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Seeking Strategic Options for Myanmar: Reviewing Five-Point Consensus and Anticipating the Future of Democracy in Myanmar

A Policy Paper Compendium

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Reviewing Five-Point Consensus and Anticipating
the Future of Democracy in Myanmar***

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CSIS Indonesia

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Foreword

The 2021 Myanmar military coup has put another pebble in Southeast Asia's path to peace, humanity, and democracy. A decade ago, the international community was seeing a significant progress, as the military regime in Myanmar started to open up itself and pursuing steps toward democratization. After a long time political ban toward civilians to rule, the 2015 general election resulted into a landslide victory for the National League of democracy which eventually bring it to power. Since then, many seem to believe that Myanmar is on track with its democratization and nation-building, which consequently led to its economy bloom as investments waiting to enter into the country. ASEAN's "Achilles' heel" which often put the organization's credibility in promoting democracy seems to be solved until the military coup took place in the morning of 1 February 2021.

More than a year on since the Myanmar coup, the political contestation along with the severe repressions against the pro-democracy groups and civilians are unlikely to stop soon. The military has adopted violent repressive playbook to strengthen their grip on the capital, adopting strategies of gun barrels, air raids, killings, arrests, and tortures in response to the nationwide civilian protests, disobedient movements, and opposition groups. The struggles launched by the People's Defense Forces as well as the armed ethnic groups against the military have been portrayed by many as evidence that Myanmar is at the brink of civil war. This situation has brought the country to its lowest ebb. Layers of humanitarian crises, from the refugee emergencies of the displaced people across the country, the cessation of access to basic necessities from the failing state administrative functions and infrastructure, rampant poverty and food crisis, on top of the normalization of violence and armed conflict have been the day-to-day story for the country, having lost a legitimate government.

In the region, the political willingness to act against the threat to democratic values and fundamental human rights conducted by the Myanmar military seems to gradually diminish from between Southeast Asian governments. While few seem to be still firm in their rhetoric to condemn the violence done by the military, others are reluctant as they do not want to "rock the boat" by sanctioning the military junta for the sake of maintaining ASEAN's unity. Initially giving a glimpse of hope as ASEAN Special Leaders' Meeting on 24 April 2021 was attended by the SAC top leadership, the Five-Point Consensus (FPC) as the result has not been implemented so far. ASEAN's lack of common position as well as strategy to pressure to the military junta, particularly to cease violence and exercise utmost restraint, and to open access for the Special Envoy to engage with all stakeholders (not only the ones determined by junta) has become the main reason why the FPC is going nowhere. To certain extent, ASEAN's decision to only allow the presence of a non-political representative from Myanmar in ASEAN high-level meetings should be cherished as this can be seen as a kind of sanction against the junta, despite ASEAN governments' denial of treating it as such. However, being satisfied with this strategy is definitely not enough. Without pushing for another progress, ASEAN is facing the risk of normalizing the junta ruling. If this happens, ASEAN will definitely lose its credibility to stay true to its own principles and being a people-centered organization that it has envisioned.

With the current stalemate, there are at least two paramount tasks. First, there is an urgency to evaluate the existing regional approach to the Myanmar crisis. Is ASEAN's effort, particularly as guided by the Five-Point Consensus, sufficient to solve the crisis in Myanmar? Are there any ways through which countries and international organizations can contribute toward the pursuit of the implementation of the FPC? Is there an alternative approach beyond the FPC?

Second, there is the necessity to continue the work to sustain the fundamentals for restoring democracy in Myanmar. How can countries or regional and international organizations assist Myanmar stakeholders to start working on or strengthening elements of democracy inside the country while waiting for an opening toward democratic revival in the country? How can countries contribute to rebuild the capacities of these elements of democracy?

This compendium of policy papers, initiated by Centre for Strategic and International Studies (CSIS) Indonesia, seeks to explore the feasible means and approaches to mitigate, if not yet solving, Myanmar's political stalemate and crisis. While it also seeks to explore ways on how the international community can help to sustain democratic elements in the country. We hope that this compendium can provide policymakers as well as relevant regional stakeholders with new insights in probing diplomatic breakthrough in dealing with the Myanmar crisis, and in supporting the future of democracy in the country.

Policy papers from distinguished scholars around the region review the limits of the Five-Point Consensus, identify alignments of interests and approaches between ASEAN and external powers like China and India, as well as with important multilateral organizations like the United Nations. The papers also investigate the position of important local stakeholders, particularly the ethnic armed organizations and means to engage them, as we seek to recommend ways on how to sustain the network of democracy's proponent inside Myanmar, which eventually will contribute in identifying the ways forward for Southeast Asian countries and ASEAN in dealing with the crisis.

Nonetheless, it is very challenging to write on these issues with such a very dynamic development of the crisis itself. This newer context may have played differently in some of the assessment towards the interplay of relations between actors in Myanmar, which at times may bring a much more pessimistic outlook towards the hope for a smooth return to democracy and peace for Myanmar.

Regardless, we hope that the compendium will be useful for analysts and policymakers to understand different perspectives and contexts and possible policy options around ASEAN's mission for Myanmar and the support we can give for a democratic Myanmar.

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The Five-Point Consensus: How to Push for Its Implementation?

1 ASEAN and the Five-Point Consensus on Myanmar: A Futile Exercise?

Mely Caballero-Anthony

Executive Summary

- Given the many challenges ASEAN faces in advancing its FPC, it is not surprising that the framework can be dismissed as an exercise in futility. In fact, as a consequence of the regime's brutality and its recent execution of four democracy activists, there are now growing pressures within ASEAN to reconsider its approach.
- While the ASEAN-9 decided to continue barring the SAC from attending the Ministerial Meetings and the Summits, which arguably is significant and a step away from Myanmar's participation in all ASEAN meetings, this still falls short of suspending its ASEAN membership.
- ASEAN requires no less than a united front to deal with these current and emerging challenges. It therefore cannot afford to be sidetracked nor held hostage by the Myanmar conflict, which could and is already undermining ASEAN's unity and centrality.
- The ASEAN-9 would do well to confront these realities head-on and decide how best to credibly deal with a recalcitrant member who continues to ignore ASEAN decisions and openly defies what it stands for – regional peace and security – while diminishing the ASEAN values of peaceful dispute resolution, respect for human rights, tolerance, and justice.
- In this regard, proposals for institutionalizing the ASEAN Special Envoy position instead of a rotating appointment and outlining the consequences of non-compliance, particularly in cessation of violence, merit serious consideration and should be adopted without delay.

Introduction

More than a year after the military grabbed power in Myanmar in February 2021, deposing its duly elected National Unity Government (NUG) led by Aung Sang Suu Kyi, ASEAN finds itself in a quandary. How should ASEAN deal with its member state whose government was changed unconstitutionally and who went against the principles and norms outlined in the ASEAN Charter and by the ASEAN Political Security Community (APSC)? How should the regional organization help protect the people of Myanmar from the onslaught of violence and persecution carried out by the military? And how should ASEAN provide humanitarian assistance to the thousands of people who have been displaced by the crisis, and who face a slew of threats to their security? And, last but not least, how can ASEAN maintain its credibility as a regional community that envisions for its “peoples [to] live in a safe, harmonious and secure environment, and embrace the values of tolerance and moderation as well as uphold ASEAN fundamental principles, shared values and norms”?¹

Prior to the coup, Myanmar’s 2020 national elections could have capped a decade-long progress towards political liberalization after an extended period of living under military rule. After its watershed election in 2012, which returned the National League for Democracy, an opposition party led by Aung Sang Suu Kyi, Myanmar was no longer the “problem child” of ASEAN. Instead, it was poised to join the ranks of fledgling democracies in the region while its economy was attracting considerable foreign investments. Today, however, the prospects of better economic opportunities and growth have

dissipated due to the political turmoil and security environment in the country. 18 months after the coup, the country continues to descend into wider conflict with worsening political suppression. While ASEAN is continuing its efforts to help resolve Myanmar's conflict through the Five-Point Consensus (FPC), there has yet to be any progress on its implementation. With the hardening of the military junta's position on ASEAN's attempted engagement and the execution of four democracy activists in early August, just days before the annual ASEAN Ministerial Meetings were held, is the FPC becoming an exercise in futility? Has ASEAN reached its breaking point with Myanmar?

ASEAN's Five-Point Consensus: One step forward, several steps back

Amid international condemnation of the military coup in Myanmar and ASEAN's perceived inaction two months into the crisis, the regional organization adopted the FPC at the Special ASEAN Summit in Jakarta, Indonesia on April 24, 2021. With Brunei as Chair, the Summit saw General Min Aung Hlaing, head of the State Administrative Council (SAC), participate on the invitation of ASEAN leaders. As agreed, the FPC was to serve as the framework for ASEAN to help resolve the Myanmar crisis. The following are elements of the FPC:²

- First, there shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.
- Second, constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.
- Third, a Special Envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN.
- Fourth, ASEAN shall provide humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre).
- Fifth, the Special Envoy and delegation shall visit Myanmar to meet with all parties concerned.

To date, except for the appointment of the ASEAN Special Envoy, none of these points have materialized.³ During the first year of the crisis, the Tatmadaw stonewalled ASEAN efforts, preventing the Special Envoy's visit in October 2021.⁴ Consequently, the junta chief was excluded from attending the ASEAN Summit from October 26 to 28, 2021, as part of ASEAN's unprecedented decision to only invite/allow "non-political representatives" from Myanmar, a move which was spurned by the military junta.⁵ Brunei's chairing of ASEAN ended without any visit to Myanmar, with the junta doing little to accommodate ASEAN requests.⁶

Meanwhile, the Tatmadaw was reported by Human Rights Watch to be blocking and seizing international aid.⁷ On January 25, 2022, Cambodia on its own initiative visited Myanmar to the surprise and dismay of other ASEAN member states, international observers, and the Myanmar people.⁸ However, despite Cambodia's attempt to accommodate the military junta, Myanmar again rebuffed the invitation of the "non-political representative" to the ASEAN Foreign Ministers' Meeting in February 2022.⁹ Moreover, while the junta received the new ASEAN (Cambodian) Special Envoy from March 21-23, 2022,¹⁰ it refused his request to meet with the opposition parties and ousted NUG lawmakers.¹¹ The junta also denied the Envoy's request to meet with Aung San Suu Kyi, citing her ongoing trials.¹² The hardening of the junta's position on the prospects of dialogue among parties with the Special Envoy's mediation was clearly reflected in General Min Aung Hlaing's speech on March 27, 2022, when he declared that the SAC will "no longer take into account negotiation with the terrorist groups

and their supporters” and “will annihilate them to an end.”¹³ On April 27, 2022, Aung San Suu Kyi was handed a five-year sentence as the first of 11 more corruption cases against her.¹⁴

Unpacking the limited role of the ASEAN Special Envoys to Myanmar

The role of the ASEAN Special Envoy has drawn a lot of attention, given the lack of progress on the FPC leading to frustration over ASEAN’s ineffectiveness in addressing the Myanmar crisis. Since the crisis began there have already been two ASEAN Special Envoys: Brunei’s Second Minister of Foreign Affairs, Erywan Yusof, followed by the current Cambodian Minister of Foreign Affairs, Prak Sokhonn. That it took six months and a lot of back-and-forth between ASEAN and Myanmar before Minister Erywan was appointed as the Special Envoy reflected the challenges faced by the grouping in implementing the FPC.¹⁵

Indeed, there were questions of whether ASEAN members were in agreement about how to deal with their recalcitrant member. In the early phases of the conflict, there were palpable divisions among ASEAN members on the coup’s implications and the extent to which members should engage with Myanmar, amid concerns about infringing on the ASEAN principle of non-interference in domestic affairs. Soon after the adoption of the FPC in April 2021, some older ASEAN members including Indonesia, Malaysia, and the Philippines were perceived to be pushing for its implementation, while others were seen to be sitting on the fence.

The lack of unity is also reflected in the way the Special Envoys approached their mission. Being the first, Erywan was seen to stick to the spirit of the FPC. Months after it was adopted, he openly acknowledged the lack of progress on the ASEAN framework by October¹⁶ and cancelled his planned visit after his request to visit and meet other parties was denied.¹⁷ Although the Statement of the Bruneian Chair of the ASEAN Foreign Ministers’ Meeting on October 16, 2021 noted the need to “allow Myanmar the space to restore its internal affairs and return to normalcy,” and permitted the “non-political representative” to attend future Leaders’ Summits,¹⁸ the Chair’s statements following the 38th and 39th ASEAN Summits called for Myanmar to implement the FPC. The statements emphasized the need to “*exercise utmost restraint*, provide humanitarian access and assistance through the AHA Centre, and facilitate the repatriation of displaced Burmese (Rohingya) in accordance with the bilateral agreement with Bangladesh.”¹⁹

In contrast to Brunei’s approach, the Cambodian Chair’s engagement with Myanmar under Prime Minister Hun Sen and with Prak Sokhonn as the current ASEAN Envoy was more controversial, moving away from “limited isolation” of Myanmar to accommodating the country. Hun Sen’s unannounced visit to Myanmar in January 2022 was seen as Cambodia breaking ranks with its fellow ASEAN members, which were more critical of Myanmar. Cambodia allowed Myanmar to “listen in” on the Foreign Ministers’ Retreat in February 2022 and announced that its attendance in future meetings will be reviewed on a case-by-case basis.²⁰ The ASEAN Chair’s Statement on the Situation in Myanmar on February 2, 2022, which called for “an inclusive political solution that is Myanmar-owned and Myanmar-led,” reflected the lack of unity among ASEAN members in how to deal with the crisis.²¹ The lack of common resolve among ASEAN member states allowed Myanmar to renege on its commitment to the FPC – a position that openly frustrated Hun Sen after granting the junta some leeway. Hun Sen has since indicated that he is going to leave it to the next ASEAN Chair, Indonesia, to deal with Myanmar.²² As a sign of further calibrating ASEAN’s approach in the implementation of the FPC, Prak Sokhonn, in his briefing notes of March 23, 2022, noted ongoing discussions on establishing the ASEAN Troika, the “Friends of Myanmar.” The junta received the new ASEAN Special Envoy under

Cambodia for three days, from March 21-23, 2022,²³ and the establishment of a Humanitarian Corridor Arrangement to facilitate the distribution of humanitarian assistance and relief to the affected communities in Myanmar.²⁴

ASEAN's AHA Centre: Providing pathways to implementing the Five-Point Consensus?

The ongoing crisis in Myanmar has caused untold sufferings to its people with many facing sudden economic displacement, food insecurity, and health threats, including the ongoing Covid-19 pandemic. In June 2022, the UN Special Envoy to Myanmar, Noeleen Heyzer, warned that there are now over one million internally displaced people (IDPs) across the country with “serious regional and international ramifications.”²⁵ Providing humanitarian assistance has thus become more urgent than ever in Myanmar.

With the junta blocking international aid,²⁶ a lot of hope has been placed on ASEAN to deliver the much-needed humanitarian aid to people in Myanmar through the AHA Centre. Earlier, the AHA Centre was involved in helping affected communities in Rakhine State in 2017 in the aftermath of the Rohingya refugee crisis. The AHA Centre also delivered medical equipment and supplies to the Myanmar Red Cross Society in September 2021.²⁷ However, the military junta remains cautious about international aid access, even with ASEAN at the negotiation table.²⁸ After all, Naypyidaw has an interest in seeing its resistant civilian population weakened or dependent on the junta.

The role of the AHA Centre is also very limited, not only by its narrow mandate of providing assistance in times of natural disasters, but also by its own governance structure. The AHA Centre's governing board comprises all ASEAN member states, including Myanmar. What it can and cannot do is dependent on the imprimatur of its governing board. One could therefore argue that the influence of the SAC continues to shadow the ASEAN-led humanitarian processes. As pointed out by FORUM-ASIA, the AHA Centre's efforts hinge on the whim of Myanmar as part of its governing board and as the receiving or requesting party.²⁹ The junta is the primary node for humanitarian aid provision, yet also the cause of the unfolding humanitarian crisis. With the current institutional arrangement of the AHA Centre, channeling aid through it risks the aid being appropriated or limited by the junta and emboldening its position nationally and internationally.³⁰

Furthermore, the AHA Centre has limited experience and mandate in man-made humanitarian crises caused by political conflicts – a point often raised by its former Executive Director, Adelina Kamal.³¹ As noted earlier, it was mobilized to help affected communities during the Rohingya crisis of 2017-18, forming the ASEAN Emergency Response and Assessment Team to distribute supplies, monitor the situation, and assist displaced persons in cooperation with Myanmar.³² Yet, this hinged on the Centre “win[ning] the trust of the host government.”³³ A similar setup might be difficult with the current strained ASEAN-Myanmar relations and heightened political stakes. The ASEAN Agreement on Disaster Management and Emergency Responses (AADMER) Work Programme from 2021-2025 made only one mention of the Myanmar crisis.³⁴ All its working groups have Myanmar in chairing or membership capacity.³⁵ As further argued by Kamal, ASEAN should seriously consider suspending the junta in the AHA Centre's decision-making processes if it were to be effective in delivering aid.³⁶

Thus, while the AHA Centre is granted a lot of importance in implementing the FPC's fourth point, the aim of establishing and maintaining a humanitarian corridor in crisis-ridden Myanmar has become extremely difficult given its constraints. That said, the AHA Centre remains useful. Despite its limitations, it could nonetheless lend its credibility to bigger and more capable humanitarian organizations, by becoming the focal point for their expertise and resources to advance the

establishment of a humanitarian corridor. Moreover, it is in the interest of ASEAN member states that share borders with Myanmar, such as Thailand, to work with and make use of what the AHA Centre can offer. Similarly, as a close neighbor of Thailand, Cambodia, while currently holding the position of the Special Envoy, can work closely with the former given the kind of leverage and stakes it has in related humanitarian issues along the Thailand-Myanmar border.³⁷

Working with ASEAN's Dialogue Partners in advancing the Five-Point Consensus

Amid the grim situation facing Myanmar, ASEAN is compelled to press on in finding avenues or spaces to break the stalemate in its engagement with the SAC. Despite the limitations of ASEAN's AHA Centre, pursuing the humanitarian line remains extremely significant given the worsening humanitarian crisis in the country. With several states across Myanmar, including Mon, Shan, and Kyan States, urgently in need of assistance, the need to provide humanitarian assistance to around 14 million people is becoming increasingly urgent. The UN has appealed for USD826 million under its 2022 Humanitarian Needs Overview for Myanmar. On September 15, 2021, ASEAN gave USD1.1 million worth of medical supplies and equipment to the Myanmar Red Cross as its local partner to provide the last mile distribution of medical supplies and equipment to communities in need across the country.³⁸ Given the huge tasks at hand, ASEAN must work with its Dialogue Partners to push the humanitarian agenda.

Among ASEAN's ten Dialogue Partners, India³⁹ and Japan,⁴⁰ with their respective leverage and incentive to advance the FPC, are the most likely to help Myanmar. They have not antagonized the junta to the extent that prospects of engaging with the regime are improbable (unlike Western partners such as the US and Australia),⁴¹ nor befriended the junta openly (as Russia⁴² and China⁴³ have done). South Korea initially had strong statements, but its presence to date is minimal.

Japan is perhaps ASEAN's most proactive Dialogue Partner, having appointed its own Special Envoy to Myanmar, Yohei Sasakawa, the Chair of Nippon Foundation. Sasakawa even made it to Myanmar in November 2021 before the ASEAN Special Envoy, though at the time Japan characterized his visit as personal rather than representative of the state.⁴⁴ Japan has remained in close contact with Myanmar, both before and after the coup. It has suspended Official Development Assistance projects but stopped short of sanctions.⁴⁵ Japanese public opinion, however, is divided on Myanmar, with those in direct contact with Myanmar calling for continued engagement, while its parliament condemned the coup. Sasakawa cautioned that sanctions would only play into Chinese influence.⁴⁶ He met with Ethnic Armed Organizations (EAOs) in northern Thailand in March 2022 on aid issues,⁴⁷ but the significance of these actions is limited.⁴⁸ Given Japan's pragmatic and proactive stance and economic interest, the country could play a more important role in humanitarian efforts.

India, on the other hand, has largely stayed silent on the issue, even joining some states in the UN to downplay international actions on Myanmar.⁴⁹ It shares with Japan the idea that punishing the regime risks pushing it into China's arms and reducing its control of rebel groups that operate in India.⁵⁰ As part of its turn to realpolitik since the 1990s, India generally does not hold strong opinions on the military regime, having attended its military parade in March 2021.⁵¹ Despite this, Myanmar has only had a marginal role in India's Act East Policy. Its current re-engagement with the military junta further risks its own relations with Bangladesh, the destination for many Burmese refugees escaping the junta's repression.⁵² It is in India's best interests to play the mediator role, leveraging its ties with Myanmar, to improve its own regional image and influence, rather than only to counter Chinese influences in a short-sighted fashion.⁵³

Whither the NUG and the UN Special Envoy to Myanmar?

ASEAN has unfortunately consistently sidelined the NUG in its pursuits of the FPC and engagement with Myanmar. The military junta was consulted on the FPC's adoption, but the NUG was not.⁵⁴ The appointment of Erywan Yusof as the first ASEAN Special Envoy was similarly decried by Myanmar civil society, as it nor the NUG were consulted.⁵⁵ The ASEAN Parliamentarians for Human Rights (APHR) called for recognition of the NUG, but this went unheeded by top diplomats and officials in ASEAN.⁵⁶ The regional organization invited a minister from Myanmar's NUG to its climate conference held from November 23-25, 2021, though the significance of this move is limited.⁵⁷ The most significant move did not come from ASEAN, but from a senior Malaysian official, Saifuddin Abdullah, who spoke out about his informal contact with the NUG in an open letter from APHR dated April 24, 2022.⁵⁸ Saifuddin doubled down on this point after the ASEAN Ministerial Meeting in early August, saying that it is of "utmost importance for ASEAN" to engage with the opposition parties in Myanmar, including its shadow government, the NUG.⁵⁹ He also called for a more detailed roadmap and more time for implementing the FPC.

Meanwhile, the UN Special Envoy to Myanmar, Noeleen Heyzer, has had very limited impact on Myanmar. The Envoy has not visited Myanmar since her appointment in October 2021. Thus far, Heyzer has met with Prak Sokhonn in late March to suggest a more people-centered solution, underscoring the importance of the ASEAN Special Envoy.⁶⁰

Since her appointment, Heyzer has advocated for an "inclusive" solution to the crisis that engages all stakeholders, which would include the junta, the parallel government, and the EAOs.⁶¹ Her remarks initially caused concerns among civil society groups that interpreted "inclusive" as a "power-sharing" arrangement between the junta and other groups,⁶² which is also understood to be returning to pre-coup conditions with seat quotas for the military, which would enable it to brutally take over the state again.⁶³ At the Shangri-La Dialogue held in Singapore in June 2022, Heyzer iterated the need to engage all relevant stakeholders, stressing the importance of giving space to local and national actors in charting the pathways for political solutions to the conflict. She further highlighted the critical role of ASEAN in helping the people of Myanmar and why it is important for the UN to work closely with ASEAN.

While the prospects of ending violence in a conflict-torn Myanmar appear dim at the moment, the UN Special Envoy should work closely with ASEAN and other humanitarian organizations in finding ways to provide critical assistance to affected communities in Myanmar. Both the UN Special Envoy and ASEAN's own Envoy can also work together and in coordination with the ASEAN Troika, comprising Brunei, Cambodia, and Indonesia, to open humanitarian channels in regions where humanitarian access is difficult. Despite the obstacles and the issues of legitimacy confronting the regime, the UN and ASEAN Special Envoys and the ASEAN Troika are critical entry points to ASEAN's engagement with Myanmar.

Concluding remarks

Given the many challenges ASEAN faces in advancing its FPC, it is not surprising that the framework can be dismissed as an exercise in futility. In fact, as a consequence of the regime's brutality and its recent execution of four democracy activists, there are now growing pressures within ASEAN to reconsider its approach. No less than Cambodian Prime Minister Hun Sen, the current ASEAN Chair, was reported as saying, "if more prisoners are executed, we will be forced to rethink ... our role vis-à-vis ASEAN's Five-Point Consensus."⁶⁴

Indeed, the regime's increasing "boldness" to carry out political executions makes a mockery of ASEAN's FPC and clearly reflects the SAC's insincerity in implementing it. One therefore wonders how much longer will ASEAN be willing to stretch its patience with Myanmar for the sake of maintaining ASEAN unity, which paradoxically is already at breaking point. Singapore's Foreign Minister, Vivian Balakrishnan, noted that the executions have shown the junta's "clear disrespect for ASEAN," while a statement issued by the Singapore Foreign Ministry after the ASEAN Ministerial Meeting said, "Without any progress on this front [the FPC] further engagement with Myanmar military authorities would be of limited value."⁶⁵

Yet, despite the frustration and visible anger among Myanmar's ASEAN neighbors, which found expression in the Joint Communique of the 55th ASEAN Foreign Ministers' Meeting, in which phrases like "expressed concern" and "deeply disappointed by the limited progress and lack of commitment of the Nay Pyi Taw authorities" were used,⁶⁶ to other observers, ASEAN's words and actions are not strong enough to deter the SAC from using violence to quell opposition. Further, while the ASEAN-9 decided to continue barring the SAC from attending the Ministerial Meetings and the Summits, which arguably is significant and a step away from Myanmar's participation in all ASEAN meetings, this still falls short of suspending its ASEAN membership.

Once again, Myanmar has become a problem for ASEAN in a dramatically changed regional environment, where socio-economic, political, and security challenges are much more complex. It is also at a time when regional security threats are piling up, such as worsening great power competition, the fallout from the war in Ukraine, the continuing threats of the Covid-19 pandemic, and other emerging infectious diseases, among others. ASEAN requires no less than a united front to deal with these current and emerging challenges. It therefore cannot afford to be sidetracked nor held hostage by the Myanmar conflict, which could and is already undermining ASEAN's unity and centrality.

The ASEAN-9 would do well to confront these realities head-on and decide how best to credibly deal with a recalcitrant member who continues to ignore ASEAN decisions and openly defies what it stands for – regional peace and security – while diminishing the ASEAN values of peaceful dispute resolution, respect for human rights, tolerance, and justice.

18 months since the coup, ASEAN is at a crossroads with Myanmar. Interestingly, the 2022 Joint Communique referred to Article 20 of the ASEAN Charter, which stipulates that, "When consensus cannot be achieved, the ASEAN Summit may decide on how a specific decision can be made... and in the case of a serious breach of the charter or non-compliance, the matter shall be referred to the ASEAN Summit for decision." All eyes will therefore be on the ASEAN Summit in November, when ASEAN leaders would be compelled to decide on what to do with Myanmar. As treating it with kid gloves has not worked, will the leaders decide to indefinitely suspend Myanmar's participation in ASEAN until some visible progress is seen with the FPC? And should ASEAN revise the FPC to make it fit for purpose? In this regard, proposals for institutionalizing the ASEAN Special Envoy position instead of a rotating appointment and outlining the consequences of non-compliance particularly in cessation of violence, merit serious consideration and should be adopted without delay.

Finally, as Indonesia prepares to become ASEAN Chair in November, all eyes will also be on Jakarta and on how its role will significantly differ from the two previous Chairs. With its tacit leadership role in ASEAN, will Indonesia rise to the occasion and make its mark in helping resolve the Myanmar crisis? Will it be a more effective Chair and an interlocutor for ASEAN, as it was during the Cambodian crisis in the late 1970s and early '80s? And will Indonesia be able to muster enough influence to unite the ASEAN-9 in finding an effective and sustainable approach to break the current impasse?

The ongoing crisis in Myanmar has tempered expectations about an early resolution to the conflict. While achieving breakthroughs in intractable conflicts is usually arduous, ASEAN cannot afford to turn its back on the people of Myanmar. In the long journey ahead, how ASEAN can remain resolute is as much a test of political will and perseverance as it is of leadership and unity.

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2 Implementing the Five-Point Consensus: A Malaysian Perspective

Yanitha Meena and Thomas Daniel

Executive Summary

- This paper presents a Malaysian perspective on seeking strategic options for Myanmar, with a focus on ASEAN's Five-Point Consensus (FPC), and prospects of ASEAN working with selected Dialogue Partners to see progress in Myanmar.
- Malaysia's national interests regarding Myanmar are driven by external and internal considerations. On the external front, Malaysian policymakers harbor some concern over the implications of the conflict on Southeast Asia and ASEAN. Internally, Malaysia's concerns mostly stem from the large numbers of displaced individuals from Myanmar that reside in the country. After Malaysia adopted a critical stance of the Myanmar government's policy towards the Rohingya, diplomatic relations have soured. Since then, Malaysia's engagements with Myanmar have largely been through consultation and collaboration with other like-minded ASEAN member states. There is also concern over the long-term Malaysian approach to Myanmar, which might be contingent on its current Foreign Minister.
- It is important for ASEAN not to falter on the FPC. ASEAN must hold the line and reinforce key aspects of the Consensus without dilution or revision.
- ASEAN must utilize every strategic tool at its disposal, including ASEAN-led dialogue mechanisms and cooperation with its Dialogue Partners. If effectively coordinated, approaches by ASEAN, its member states, Dialogue Partners, and other external stakeholders could progress the FPC's implementation. This could also yield a more permanent minilateral mechanism that will ensure continuity in engaging with key stakeholders in Myanmar. There are significant prospects for ASEAN cooperation on a quid pro quo basis with China, India, Japan, and the European Union for the progress of the FPC.
- ASEAN could also explore the idea of forming a focused minilateral working group dedicated to managing developments concerning Myanmar. This could be steered by the Chair, have a more permanent Secretariat, and consist of both ASEAN member states with an interest or stake in the matter, as well as selected Dialogue Partners and international stakeholders.

Introduction

The violence and political fracture resulting from the February 2021 coup by the Tatmadaw continues to not just destabilise Myanmar but have an impact on its immediate region and ASEAN at large. The regional organisation, and its rotating Chairs, face the dilemma of how to manage the resulting fallout of the coup. Given the intricate complexities at play and ASEAN's self-imposed constrictions, it is likely to not make much progress.

This paper aims to outline a Malaysian perspective on seeking strategic options for Myanmar. In particular, it will focus on ASEAN's FPC, which was agreed to at the ASEAN Leaders Meeting on 24 April 2021 in Jakarta, then chaired by Brunei. It is structured into four broad parts. First, it will outline

Malaysia's national interests concerning Myanmar that shape its engagement with the country. Second, it aims to articulate the importance of the FPC to ASEAN and the reputational risks for the regional organisation should its engagement with Myanmar be mishandled. Third, the paper will address the prospects of ASEAN working with selected Dialogue Partners to see progress in Myanmar and the need for a more minilateral focused approach. Lastly, and by way of conclusion, the prospect of a “troika” or focused working group within ASEAN dedicated specifically to Myanmar will be explored.

Malaysia's interests and concerns

Malaysia's national interests regarding Myanmar and its troubles are driven by both external and internal considerations. On the external front, Malaysian policymakers harbor some concern over the mid- to long-term implications of the conflict on Southeast Asia and on ASEAN in particular. The global expectation for ASEAN to take the lead in mitigating and resolving the post-coup fallout means that the credibility¹ of the regional organization is now tied to this process, and its success or failure. While ASEAN's leaders might not have bargained for this, it is nonetheless an outcome they must contend with. Continued instability in Myanmar will also affect the regional organisation, which is facing a host of other challenges brought about by the global pandemic and major power competition.

Internally, Malaysia's concerns mostly stem from the large numbers of Myanmar refugees, asylum seekers, and other displaced individuals that reside in the country. While there are no official figures, credible guesstimates have often put the number at between 200,000–300,000, which is several times more than the number of Myanmar refugees registered² with the United Nations High Commission for Refugees office in Malaysia. A large majority of these Myanmar refugees are Rohingya, for whom Malaysia isn't just a transit country but a final destination. This has led to growing frictions³ with local communities, especially during the height of Covid-19 fears in the country, which in turn have led to statements⁴ by national leaders calling for the refugees' return as Malaysia is unable to accommodate more.

However, Malaysia's ability to engage with and influence Myanmar has steadily declined. Economically, while Malaysia's private sector remains invested in Myanmar, it has gradually lost its position as one of the largest foreign economic players, slipping to eighth spot for the 2020-2021 period with a value of just over USD2 billion. This is a far cry⁵ from other Southeast Asian countries like Singapore and Thailand, which clock in closer to USD161 and USD24 billion respectively. Malaysia's national oil company, Petronas, which has been operating in Myanmar for more than three years, has continued to reduce its presence due to a variety of challenges.⁶ It recently announced further divestment⁷ of its holdings and reduced participation in the Yetagun gas project.

While Malaysia is one of the few ASEAN countries taking a more direct stance on Myanmar, it is unclear how much this has driven the current Foreign Minister, Saifuddin Abdullah, and the implications should he not be in his position in the foreseeable future. Saifuddin is a self-professed “progressive” politician with a history of promoting such causes both in government and via various civil society organizations, albeit a checkered one.⁸ He is not a “typical” senior politician from Malaysia one would expect in Cabinet, nor is his outspokenness on human rights and democracy issues in Myanmar new.⁹ This explains somewhat his forthright statements on Myanmar and determination to hold the junta accountable to making some progress on its commitments before allowing it back into the fold, as well as being the first ASEAN foreign minister to openly meet with the National Unity Government (NUG)'s Zin Mar Aung in May 2022.¹⁰

With general elections expected in Malaysia by late 2022 or early 2023, Saifuddin's position as Foreign Minister, or even in Cabinet, is far from assured.¹¹ His political party Bersatu has a contentious relationship with the dominant party in the ruling coalition and is held together by a quickly fraying thread of necessity. It is far from clear if Malaysia will continue its current approach to Myanmar with such vigor if or when someone else holds the position of Foreign Minister.

Coupled with the souring of diplomatic relations since Malaysia's adoption of an openly critical stance of the Myanmar government's policy towards the Rohingya, it is difficult to see any significant pull that Malaysia can bring to bear. Thus, Malaysia's engagements with the country, especially its attempts to influence policy in a post-coup Myanmar, have largely been through consultation and collaboration with other like-minded ASEAN member states.

Significance of upholding the Five-Point Consensus

While there have been statements on the prospect of Malaysia reaching out to Myanmar on its own¹² should the FPC be unworkable, the broad consensus from Malaysia is that it is critical for Myanmar to work towards a meaningful and demonstrative implementation¹³ of the Consensus. For now, it remains a precondition¹⁴ for Malaysia to agree on restoring the participation of official Myanmar leaders at ASEAN forums, which explains its reluctance towards Cambodia's efforts to invite senior officials from Myanmar back into the fold.

In fact, 15 months since the coup was launched and just over a year since the FPC was presented to Senior General Min Aung Hlaing in Jakarta, it is clear there has not been any notable progress on the implementation of the Consensus.¹⁵ Despite offers of an extended ceasefire¹⁶ with the various Ethnic Armed Organisations lined up against it, there is little evidence on the ground that the Tatmadaw is carrying it out. Fighting continues to rage across several frontier provinces with the number of displaced – both in the country and those forced to flee across borders – estimated to have breached 1 million in early June.¹⁷ There is also little to show that the ruling junta has ceased its violent suppression of anti-coup political opponents and civil society. The general tone from the Tatmadaw remains as defiant as ever – with little interest¹⁸ shown in reconciliation and peace. This has in turn spurred those at the receiving end of the Tatmadaw's brutal crackdown to take up arms of their own, through People's Defense Forces¹⁹ whose armed resistance operations have been endorsed by the NUG. Additional prison sentences²⁰ have been imposed on former State Councillor Aung San Suu Kyi, whom the junta is still barring²¹ from any meetings with ASEAN's Special Envoy.

This lack of momentum and headway by ASEAN have given rise to narratives that the FPC be refined or amended to secure greater Tatmadaw buy-in, and hence compliance. However, it must be stressed that any such refinement or amendment does not guarantee more favourable outcomes to the broader citizenry of Myanmar. Instead, what is likely to happen is that the refinements will effectively dilute the FPC, allowing more regional breathing space for the junta, which it desires. Further, ASEAN's acquiescence will only embolden the Tatmadaw for even greater leverage in the future, while giving ASEAN little in return. Additionally, any dilution or back peddling of the FPC, or a decision to allow Myanmar back into the fold without progress on the Consensus will cause significant reputational damage to ASEAN, especially among its Dialogue Partners. As it stands, the efforts of the regional organisation are already being called into question,²² and not without some basis.

It is by no means easy for ASEAN – operating by consensus and shackled by its own design. The regional organisation has struggled to find a unified position on Myanmar, or in persuading the Tatmadaw to adhere to the FPC. Indeed, it is the latter, not the former, that will determine the pace and

scale of progress. The junta is experienced at playing the long game and cognisant that given broader geopolitical developments in the Asia-Pacific and its impact on Southeast Asia, there will be those in ASEAN who will ponder whether it is more costly to keep Myanmar excluded in the long-term.

There is also little agreement in ASEAN on what the FPC is – an agreement, an aspiration, a broad set of goals, or a common platform for dialogue with the junta. This differentiation has influenced the position that different member states take towards Myanmar, its adherence to the five points, and the prospect of allowing its political leadership to return to the ASEAN table. Different member states appear to be working towards different ends, which will impact the ultimate viability of the regional organisation to facilitate a sustainable solution for Myanmar.

Nonetheless, it is important for ASEAN not to make the mistake of faltering on the principles of the FPC. Instead, the regional organisation should hold the line, and instead reinforce key aspects of the Consensus where there will be no dilution or revision. These could include the need for an immediate cessation of violence, concrete steps towards constructive dialogue by the opposing parties, and full access to ASEAN's Special Envoy to meet all parties concerned – especially detained democratically elected officials.

Working with ASEAN Dialogue Partners

The lack of progress in the FPC's implementation has led to the growing feeling in Malaysia that ASEAN must endeavour to utilise every strategic tool at its disposal, including ASEAN-led dialogue mechanisms and cooperation with its Dialogue Partners. This avenue has yet to be properly explored, perhaps because of the diverse approaches by different stakeholders towards Myanmar and the Tatmadaw. However, if effectively coordinated, these diverse and sometimes contrasting approaches by ASEAN member states, Dialogue Partners, and other external stakeholders, could yield progress on the FPC. Additionally, it could also see the possibility of creating a more permanent minilateral mechanism that will ensure continuity in engaging with key stakeholders in Myanmar. This section examines the prospects of ASEAN cooperation on a quid pro quo basis with China, India, Japan, and the European Union (EU) on the progress of the FPC.

China

The scope of China's interests²³ in Myanmar have been steadily growing over the past decades, including advancing the China-Myanmar Economic Corridor and several other state-owned businesses.²⁴ While Beijing quickly normalized²⁵ relations with the military regime under the assumption²⁶ that the Tatmadaw will eventually gain complete control of Myanmar post-coup, China's actual priority is to advance its own interests in Myanmar with the group that holds power.

In an attempt to preserve Chinese investments²⁷ in Myanmar, Beijing has appealed to the NUG to ensure that its uprising against the junta does not harm these investments. This signals that China would continue engagement with the country's shadow administration should it feel that there are threats to Chinese interests in Myanmar. In fact, it is increasingly evident that China will continue to calibrate²⁸ its position based on the prevailing status quo.

China's working relations with the Tatmadaw and continued engagement with the opposition bring to the table an open line of communication with "all parties concerned" in Myanmar, in line with the goals of the FPC. With China's push for preservation of its investments, it is well-positioned to incentivise the Tatmadaw's adherence to the main provisions of the FPC. Since Myanmar's cooperation with China

would require national efforts with all parties on board, this could lead to constructive dialogue among all parties. ASEAN can hence leverage China's relationship with Myanmar's stakeholders and fulfil the remit of the ASEAN Chair's Special Envoy in the mediation of the dialogue process.

ASEAN must, however, ensure that this dialogue process remains "ASEAN-led" at all costs, perhaps by utilising mechanisms such as the ASEAN-China summit and related high-level meetings. This is to pre-empt any possibility of Chinese leverage over ASEAN on unrelated matters, such as those related to the South China Sea.

India

Myanmar, which shares a 1600-kilometre-long border with four Indian states, matters significantly to its western neighbour in terms of defense and security cooperation,²⁹ especially regarding the containment of cross-border insurgencies in Northeast India. India cannot afford to isolate Myanmar,³⁰ considering its own unique security and geopolitical interests that are dependent on continued engagement with this neighbour.

India's chosen method of outreach has been a "twin-track approach,"³¹ i.e., carrying on diplomatic engagement with Myanmar's military and, at the same time, pushing for the country's return to democracy. It has also focused³² on providing food aid and other humanitarian assistance to Myanmar, in addition to pursuing its ongoing developmental projects, including the long-pending India-Myanmar-Thailand (IMT) trilateral highway.

India's "twin-track approach" is compatible with the FPC on several scores, particularly the emphasis on diplomatic engagement with the Tatmadaw. What also stands out for India in this context is its potential ability to mediate³³ between the West and the Tatmadaw, given the enhanced ties between India and the US in recent years, particularly through the Quad. New Delhi could use its position as a Quad member to encourage more streamlined economic relief measures³⁴ for Myanmar from the West, as long as the Tatmadaw works to progress the FPC.

In keeping India engaged for this purpose, it would be useful if ASEAN intensifies cooperation through the Indo-Pacific Oceans Initiative (IPOI), which is one of New Delhi's highest strategic priorities. The recently concluded Special ASEAN-India Foreign Ministers' Meeting emphasised the need for the early operationalisation of the IMT highway for greater regional connectivity, signalling its significance.³⁵

There is room for India to play a more pronounced role as Dialogue Partner and set pragmatic baseline conditions in line with the FPC to be tagged to the IMT highway, which involves more than one ASEAN member. ASEAN's deeper cooperation with India through the IPOI will encourage and incentivise New Delhi's enhanced participation in progressing the FPC.

Japan

Being Myanmar's largest donor nation, Japan has a history of close ties with Myanmar. Yet Japan has adopted a cautious diplomatic approach with the country.³⁶ Since the coup, Tokyo has suspended new development assistance projects and is taking a wait-and-see approach with existing ones. It has not imposed economic sanctions and maintained bilateral relations, in addition to its special line of communication with the Tatmadaw. With the open lines of communication and continued engagement, Japan seeks to influence the military leadership to immediately stop violence against civilians, release detainees, and swiftly restore Myanmar's democratic political system.

As one of ASEAN's most active Dialogue Partners and Myanmar's largest donor nation, Japan is in a strategic position to accelerate the Tatmadaw's fulfilment of the FPC. Consideration should be given to linking future development assistance contingent on advancing the Consensus – particularly the cessation of violence in Myanmar. Should there be progress, Japan, like India, can also function as a link between the West and Myanmar and push for a restart in constructive dialogue, thereby also encouraging more aid and economic relief for Myanmar from the West.

The European Union (EU)

The EU has been constant and consistent in imposing sanctions on the Tatmadaw, a vastly different approach from the rest of ASEAN's Dialogue Partners mentioned above. In February 2022, the EU adopted a fourth round of sanctions on government ministers,³⁷ and members of the State Administrative Council and Union Election Commission, as well as high-ranking officials of the Tatmadaw. The sanctioned entities are either state-owned companies connected to the Tatmadaw, or private companies closely connected to the Tatmadaw's top leadership. However, like any major transition, these sanctions are not free of “exemption” clauses. The EU has tagged a derogation clause with these sanctions,³⁸ which still allows EU oil and gas operators remaining in Myanmar to pursue financial transactions with Myanmar Oil and Gas Enterprise. Hence, it will take time for the sanctions to have any real impact on the Tatmadaw's activities.

The EU has welcomed³⁹ the FPC as an encouraging step forward in ASEAN's efforts to resolve the current crisis in Myanmar, and even recently appointed⁴⁰ its Ambassador to ASEAN as Special Envoy to Myanmar. The EU's dual approach of economic sanctions and diplomacy (plus aid) to address the Myanmar crisis can be leveraged on by ASEAN to progress two key elements of the FPC: providing humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre) and a visit by the Special Envoy and delegation to meet with all parties concerned. As the EU refines key elements of its oil and gas-related sanctions on Myanmar,⁴¹ it is possible that the junta could feel pressured to adhere to the demands of the EU and thereby show some progress to counteract that. The EU's commitment to providing aid and the enhanced role of the EU's Special Envoy to Myanmar in pushing for constructive dialogue would incentivise this further. It is in ASEAN's interests to work more proactively with the EU and take the lead in identifying baselines and “enabler” elements of the EU's approach to Myanmar to align and recalibrate its own actions targeted at advancing the FPC.

Conclusion – Focused working group for long-term engagement

The crisis resulting from the coup in Myanmar has no quick or easy solution. This is where ASEAN needs to recognise its limitations, as well as the opportunities it has to work with its partners to engage with Myanmar and to see progress made on the FPC. In moving forward, the idea of a troika to engage with Myanmar, consisting of the current, former, and incoming Chair of ASEAN, has been proposed. While this bears some serious consideration, the troika is generally dependent on Myanmar's cooperation, which is far from guaranteed and will also fluctuate annually. Given the protracted nature of the issues at hand, a longer lasting arrangement might be required.

Alternatively, ASEAN could also explore the idea of forming a focused minilateral working group dedicated to managing developments concerning Myanmar. While steered by the Chair, it would have a more permanent Secretariat and consist of both ASEAN member states with an interest or stake in the matter, as well as selected Dialogue Partners and international stakeholders. For example, selected

ASEAN member states as well as China could form a working group to push for reconciliatory and constructive dialogue among all parties, including the opposition in Myanmar. Similarly, other ASEAN member states could work with India and Japan to incentivise the Tatmadaw in bringing a stop to the violence in Myanmar. Also possible is cooperation between ASEAN member states with the EU to not only address and advance the FPC but also find workable solutions to the spill over effects of the unrest in Myanmar. This will ensure continuity in engagement and allow the Chair (and future Chairs) to focus on other pressing issues for the region.

It must be acknowledged here that considering the consistent vocalness of the current “coalition of the willing” – Malaysia, Indonesia, and Singapore – on the Myanmar crisis, these ASEAN member states can lead the formation of these focused minilateral working groups. Perhaps such a targeted action would also render viable this “coalition of the like-minded” to hold out in the face of larger ASEAN indifference.

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3 Vaccine Corridors to Myanmar: Exploring Peace Through Humanitarian Assistance

Zaw Oo

Executive Summary

- 14 years ago, ASEAN's humanitarian assistance program for the post-Cyclone Nargis recovery process not only saved thousands of lives in Myanmar, but it also facilitated the broader engagement of the international community in helping U Thein Sein's government to introduce democratic reforms.
- Informed by the post-Nargis experience, ASEAN can make a quick assessment and take an evidence-driven approach to vaccine delivery for priority groups.
- With the help of the Thai government, the first group of candidates should be those taking refuge along the Thai-Myanmar border, due to rising conflicts in Southeast Myanmar.
- Once a corridor for humanitarian assistance delivery can be established during a humanitarian pause, a long-term rehabilitation plan can be carefully drawn from the needs assessment of each group.
- During a humanitarian pause, ASEAN should also consider appointing a permanent envoy to coordinate humanitarian assistance programs in Myanmar, under the guidance of the rotating ASEAN Chair and the office of the Secretary-General.

Introduction

Myanmar's rising armed conflicts and increasing economic distress in the aftermath of the Covid-19 pandemic triggered a clear warning for ASEAN and Myanmar's two largest neighbors, China and India, of looming security, economic, and humanitarian crises. Meanwhile, the increasing conflicts in Myanmar have not only widened conflict areas, but also uprooted many populations, triggering massive displacement of vulnerable populations as well as disrupting ongoing Covid-19 recovery efforts. Although the country's security and health crises need a sustained and inclusive process of peace mediation, political settlement, and national dialogue among conflict actors, the pending humanitarian crisis with potential spillover effects should warrant timely assistance from ASEAN and its regional partners to help Myanmar mitigate the worst dangers.

As ASEAN and the State Administrative Council (SAC) had already agreed on the delivery of humanitarian assistance from the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), ASEAN should consider prioritizing assistance for Myanmar's Covid-19 vaccination program. This would be a pilot emergency initiative to break the ice among conflict actors while mediating to stop the ongoing conflicts. The pilot program can be developed into "vaccine corridors" to expand its coverage from conflict-affected regions to other vulnerable areas. It can do so while transforming specific Covid-19 vaccination programs into multi-purpose vaccination campaigns for children, which can be linked with regular child vaccination programs administered by the national government. A well-calibrated peace mediation from the ASEAN Special Envoy should capitalize on the statecraft of vaccination programs to achieve humanitarian pause to stop some of the deadly conflicts, and to expand the peacebuilding process through vaccine corridors.

Unlike food aid that can be easily fungible during conflicts, vaccine delivery can be acceptable to conflict parties, while a vaccine corridor approach is non-fungible and technical. Therefore, ASEAN's Special Envoy and their technical counterparts can legitimately supervise this sophisticated process of vaccine deployment to ensure strict neutrality is maintained during the process. At a minimum, vaccine corridors can be “no-regret” interventions that will benefit Myanmar's future generations regardless of any conflict resolution scenarios. Consequently, they offer much more attractive ground for compromise and consensus among key stakeholders. More importantly, however, the underlying reason of preventing the spread of infectious diseases may also justify ASEAN's immediate engagement in Myanmar, as the spillover effects of disease outbreaks can undermine regional stability.

A humanitarian pause and corridor, a bridge for dialogue?

As ASEAN's Five-Point Consensus (FPC) emphasized “immediate cessation of violence,” the ASEAN Special Envoy may facilitate a temporary cessation of hostilities purely for the humanitarian purposes of Covid-19 vaccination among the conflict parties that can agree to an ASEAN-led approach. A humanitarian response such as this can be a timely initiative to follow up on the recent agreement made between the SAC and ten Ethnic Armed Organizations (EAOs) in April, which involved seven signatories of the Nationwide Ceasefire Agreement (NCA) and three non-signatories, and which also discussed the common wish for Covid-19 mitigation measures. The ongoing rainy season, which usually suspends most fighting across the country for five months, provides a rare window for the initiative to be conducted until the end of the year.

Since vaccine delivery requires sophisticated logistics planning and health infrastructure, the ASEAN Special Envoy can justify the “third party” involvement, while organizing inclusive consultations with all relevant parties to identify priority areas that have a conducive security environment. It can also identify expansive coverage areas for the vaccine programs that can be accessed through vaccine corridors and secured under specific ceasefire arrangements. Certain operational principles already adopted in various resolutions of the United Nations' fight against Covid-19 can be applied to Myanmar's current situation. For instance, the Security Council resolution on July 1, 2020, which demanded “general and immediate cessation of hostilities in all situations on the Council's agenda” and “called upon all parties to armed conflicts to engage immediately in a 90-day humanitarian pause,”¹ provides a useful timeframe for the parties to consider their own situations during the upcoming rainy season in Myanmar.

Deployment of vaccination programs may only involve health experts from local and regional stakeholders, and therefore the initial preparations and consultations can be insulated from political influences. Here, WHO-UNICEF's guidance on developing a national deployment and vaccination plan (NDVP) for Covid-19 vaccines can be relevant and credible criteria for operationalizing the agreed-upon humanitarian delivery process.² Under the highly contentious atmosphere for humanitarian engagement, it is imperative to have stronger technical references and conditions of humanitarian pause for the initiative's implementation. It is also desirable to have not just the involvement of ASEAN as a relevant regional entity, but also that of competent international organizations such as WHO and UNICEF to assist the delivery.

Successful historical milestones in vaccine diplomacy, such as the smallpox vaccination rollouts in the 18th century and WHO's “Days of Tranquility,” and their unique contribution to saving millions of lives should encourage Myanmar stakeholders and concerned international observers to agree on the initiative. As in these earlier initiatives, peace may not be readily achieved simply through humanitarian

intervention, however, Myanmar will benefit from three broad outcomes that are conducive to sustainable peacebuilding. First, the delivery of health services will reduce social tensions through the provision of tangible benefits like vaccinations, while building trust among conflict parties for future cooperation in more contentious areas.³ Second, vaccine ceasefires provide a useful tool for conflict parties to signal and communicate their intentions to an opponent without paying a significant price if the gesture is not reciprocated. In this regard, vaccination ceasefires can be useful for reenergizing stalled peace processes.⁴ Third, vaccination ceasefires can provide specific health benefits to the concerned populations, while protecting healthcare professionals and facilities against any form of harm.⁵ The bottom line is that vaccination ceasefires can support the realization of improved public health outcomes for vulnerable populations in conflict zones, even though their contribution to progressing the wider peace process may not be immediately realized.

In fact, ASEAN's attempts to deliver humanitarian assistance during the complex emergencies in Myanmar were not new. A breakthrough was achieved in 2008 after Cyclone Nargis struck Myanmar, causing a devastating loss of nearly 150,000 lives and 2% of GDP. Under the creative leadership of the ASEAN Secretary General, the late Dr Surin Pitsuwan, and the UN Economic and Social Commission for Asia and the Pacific (UNESCAP) Executive Secretary, Dr Noleen Heyzer (who is now the UN Special Envoy to Myanmar), an agreement was reached to form a Tripartite Core Group (TCG). The TCG coordinated relief efforts with Myanmar counterparts led by then prime minister Thein Sein and facilitated unimpeded access for the international community to provide humanitarian assistance and long-term recovery support. The comprehensive engagement of ASEAN-led humanitarian assistance in Myanmar resulted in an unprecedented opening of the country in 2010 and a subsequent peacebuilding process that led to the signing of the NCA in 2015. The main difference between the 2018 crisis and the current crisis is political: there is no political consensus among the conflict actors and international players for the mediation of the complex present-day emergency. In this regard, compared to any other mediation approach, the vaccine corridor approach provides the lowest common denominator option for saving more lives with benefits that are the least fungible for conflict parties. It also provides a more politically feasible approach for the ASEAN envoys to pursue in the future.

Rising conflicts and health crisis

The urgency of the situation in Myanmar, which is seeing rising conflicts and casualties, is the main justification for ASEAN's immediate help. The military coup in February 2021 resulted in a deadly spiral of dynamics that widened and deepened the nature of conflicts across the country. Responding to the military's heavy-handed crackdown on non-violent protests and the Civil Disobedience Movement (CDM), many activists and young generation protestors (Generation Z) formed several People's Defense Forces (PDFs) across the country to organize armed resistance. The former National League for Democracy (NLD) MPs and politicians and other allied groups also went underground and formed the National Unity Government (NUG) in April 2021 to lead the resistance movement. The NUG declared a "nationwide defensive war" against the SAC in September 2021. Since then, the country's conflict landscape has changed dramatically as PDFs and their civilian supporters were able to establish their strongholds in Burman-majority regions with no prior history of armed resistance movements. At the same time, Chin and Kayah States, two ethnic regions where only low intensity conflicts existed for years, were engulfed by fierce battles between local defense forces and the armed forces.

While the conflicts have widened to different parts of country, the number of non-state actors involved have also proliferated. The NUG Minister of Defense recently disclosed that the NUG has already set up 259 battalions of PDFs in 250 townships in loose alliance with 401 urban and rural local defense

forces (LDFs), which have a total strength of between 50,000 to 100,000 members across the country. The NUG has also secured agreements with five EAOs to coordinate security cooperation and is in further negotiations with four additional EAOs.⁶ Although they share the same objective of unseating the SAC, these PDFs and LDFs often compete for the control of territory, resources, and community support, often clashing with each other and using violence against civilian populations.⁷ The flourishing of new actors has not only fueled violence against civilians but also complicated the securing of common ceasefire arrangements among rival factions.

Meanwhile, Gen-Z activists who joined either PDFs or LDFs in new conflict areas quickly adopted modern urban warfare schemes involving improvised explosive devices, targeted killings, and assassinations of civil servants and administrators. These are used alongside traditional guerilla tactics such as surprise attacks on weaker security and police units, bombing of public infrastructure and military-owned facilities, taxing local companies, and controlling remote communities.⁸ Facing existential threats outside their control, the armed forces have also resorted to air strikes and artillery shelling, in addition to conventional anti-guerilla “four cuts” tactics to uproot the PDFs’ support bases, leading to increased death tolls among civilian populations. As a result, the wider and deeper spread of conflicts across the country resulted in nearly 11,000 reported civilian casualties in 2021 alone,⁹ surpassing the level of total fatalities from armed conflicts in the last decade.

Along with the increasing death tolls, the population’s access to health and medical facilities has also rapidly reduced due to rising conflicts and health care workers’ continuing involvement in the CDM. In a desperate move to counter the CDM movement that left many public health facilities without medical professionals, the government hunted down CDM organizers and raided private clinics to arrest the protesting doctors and nurses. Health care workers in the conflict zones were even more vulnerable to arbitrary arrests as well as targeted killings. For instance, the police arrested 18 health care workers in a charity clinic in Loikaw, Kayah State, in November 2021 for aiding wounded PDF fighters.¹⁰ In another incident in December 2020, Kutkai Township medical superintendent Dr Wint Myaing, a non-CDM doctor, was shot to death by a group of armed men. She was targeted because she continued treating Covid-19 patients in defiance of warnings from local militia to close the public hospital.¹¹

Under the weight of rising conflicts and attacks on health facilities, the fragile health care system has faced acute challenges from the Covid-19 pandemic and other infectious diseases. According to Doctors Without Borders (MSF), nearly one million children in Myanmar did not have access to routine vaccinations in 2021, while the antiretroviral drug program for 4,000 HIV patients was suspended.¹² When the country’s vaccination program came to a near halt in May 2021 due to lack of vaccine delivery and shortage of health workers, residents in the particularly congested cities of Yangon and Mandalay suffered a deadly wave of the Delta variant in the following months, which killed over 3,000 patients within a few weeks.¹³ The situation alerted regional health authorities and the UN, including acting Resident Coordinator and Humanitarian Coordinator Ramanathan Balakrishnan, who suggested that, “if Covid-19 is not controlled in Myanmar, new variants may emerge and could spread to neighboring countries and around the world.”¹⁴

Conflict-Covid nexus

Complicated by the ongoing conflicts, the danger of a deadly Covid-19 resurgence in Myanmar is also the biggest threat to ASEAN’s ability to control the pandemic in the region. Myanmar’s vulnerability was alarming with a case fatality rate of 3.63 last year, the highest in the region or nearly four times higher than neighboring Thailand. By the end of 2021, Myanmar also had the region’s lowest

vaccination rate at around 60% (compared to 100% in Cambodia and Singapore), while testing per million population was also the lowest in the region.¹⁵

Table 1: COVID-19 Morbidity, mortality, and vaccination rates among ASEAN members

| Country | Total Cases | Deaths per million Population | Tests per million Population | % of fully vaccinated population | Case fatality rate |
|-------------------|----------------|-------------------------------|------------------------------|----------------------------------|--------------------|
| Indonesia | 4,264,669 | 519 | 232,883 | 42% | 3.38% |
| Philippines | 2,888,917 | 463 | 228,201 | 46% | 1.79% |
| Malaysia | 2,776,699 | 959 | 1,267,671 | 78% | 1.14% |
| Thailand | 2,252,776 | 311 | 246,496 | 65% | 0.97% |
| Vietnam | 1,843,563 | 341 | 764,044 | 57% | 1.82% |
| Myanmar | 531,624 | 351 | 110,962 | 28% | 3.63% |
| Singapore | 283,214 | 141 | 3,564,004 | 80% | 0.29% |
| Cambodia | 120,553 | 177 | 162,275 | 80% | 2.50% |
| Laos | 114,787 | 55 | 124,187 | 42% | 0.36% |
| Brunei Darussalam | 15,532 | 221 | 1,556,078 | 87% | 0.63% |

Source: One World Covid-19 Data, January 2022.

Myanmar was one of the first countries in the region to roll out its Covid-19 vaccination program, using AstraZeneca vaccines donated by India in January 2021. The readiness of health infrastructure and resources was seemingly adequate to implement the vaccination program. However, it was severely disrupted when many health professionals protested the military takeover and participated in the CDM by not working. According to WHO, the CDM has “resulted in severe reductions in the available public health workforce ... compounded by repeated attacks on healthcare and the occupation of health facilities.” If the current level of service interruptions continues, WHO estimates that “Myanmar will see an additional 47,516 avoidable deaths in 2022, including 33,000 deaths as a result of missed routine immunizations.”¹⁶

Prior to the coup, Myanmar’s public health capacity for the vaccine rollout was on par with other developing countries as it commenced its program earlier with donations from India. Following the military takeover, the vaccination program was interrupted when the COVAX initiative suspended its scheduled delivery of 3.6 million vaccines to Myanmar in April 2021.¹⁷ Meanwhile, neighboring Cambodia, with its comparable health care resources and infrastructure, was able to achieve high vaccination rates during 2021. In comparison, Myanmar did not receive COVAX vaccine allocations by the end of that year, while Cambodia received not just its full allocation of COVAX quotas but also donations from China, India, the US, and the EU during the same period. In this regard, the vaccine

corridor approach may also open the door for international organizations such as UNICEF, WHO, and others in the non-profit health sector re-engage with Myanmar.

Table 2: COVAX quota delivery in ASEAN (January 2022)

| No. | Country | Doses Allocated | Doses Shipped |
|-----|-------------------|-----------------|---------------|
| 1 | Brunei Darussalam | 146,400 | 100,800 |
| 2 | Cambodia | 3,925,260 | 3,618,960 |
| 3 | Indonesia | 179,508,380 | 73,756,930 |
| 4 | Laos | 6,557,880 | 4,289,040 |
| 5 | Malaysia | 2,623,200 | 1,387,200 |
| 6 | Myanmar | 13,764,600 | 0 |
| 7 | Philippines | 79,554,950 | 61,229,440 |
| 8 | Singapore | 2,620,800 | 938,400 |
| 9 | Thailand | 0 | 0 |
| 10 | Vietnam | 64,898,750 | 43,176,430 |

Source: UNICEF Covid-19 Vaccine Market Dashboard, January 2022

By 2022, the SAC was able to overcome its manpower shortages for the vaccine program by seconding army medical corp personnel to assist civilian health care facilities. However, the vaccination rollouts were further hampered by the continued suspension of the entire allocated quota of 13 million COVAX vaccines throughout 2021. The denial of Myanmar's access to COVAX quotas was perplexing, as the allocation had already been approved by the Independent Allocation Vaccine Group, which had checked the country's readiness plans for the vaccine rollout.¹⁸ The decision was also unprecedented as other internationally sanctioned regimes such as Afghanistan, Iran, Mali, and Sudan received all their respective quotas in 2021. Further, the decision was contrary to the suggestions of most global health authorities including WHO, which emphasized that the process should not be politicized. According to some scholars, politicization of vaccine delivery "clearly deviates from previous ethical and public-health principles of maximizing lives or life-years saved, and the sentiment that people's entitlement to lifesaving resources should not depend on nationality."¹⁹ Other experts have also called for a "higher percentage of vaccines" for sanctioned countries in the global Covid-19 vaccination campaign, as "the problem of vaccination will linger, risking the advent of new variants and preventing effective global response in reigning the pandemic under control."²⁰ In this regard, a vaccine corridor approach can be a redeeming act for the international community to help the innocent people of Myanmar, who should receive vaccination regardless of the type of regime governing the country.

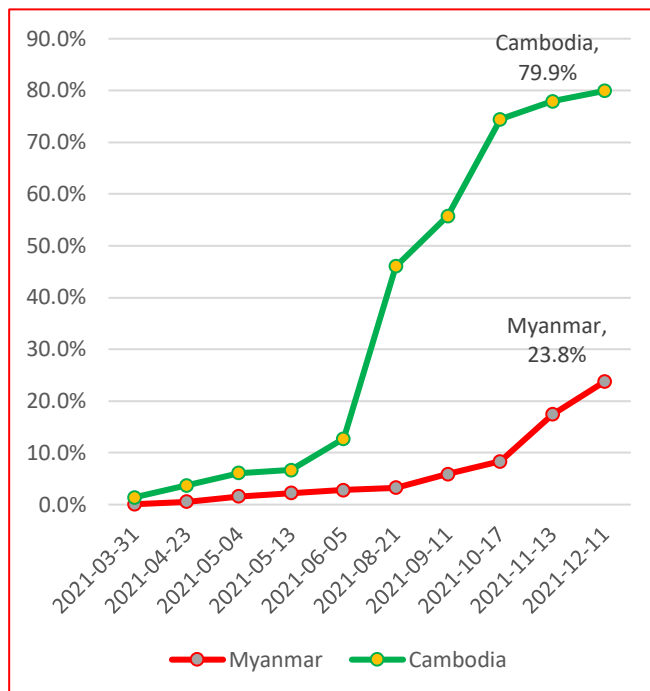
Table 3: COVAX quota delivery in countries under international sanctions (January 2022)

| No. | Country | Doses Allocated | Doses Shipped |
|-----|-------------|-----------------|---------------|
| 1 | Afghanistan | 10,670,450 | 6,204,050 |
| 2 | Chad | 3,864,710 | 1,144,550 |
| 3 | Guinea | 8,040,240 | 4,043,790 |
| 4 | Iran | 14,423,650 | 12,415,310 |
| 5 | Mali | 3,736,650 | 2,555,200 |
| 6 | Sudan | 16,128,830 | 6,354,290 |
| 7 | Venezuela | 18,584,400 | 5,875,200 |

Source: UNICEF Covid-19 Vaccine Market Dashboard, January 2022.

Low vaccination rates mean that Myanmar is a potential source of new variants, which can undermine domestic Covid-19 public health measures. Geographically, Myanmar is surrounded by some of the world's most populous countries, including China, India, and Bangladesh, and the outbreak of new variants in Myanmar can also undermine regional efforts to curb the pandemic. On Myanmar's eastern border, Thailand, which has nearly five million migrants from Myanmar living and working in the country mostly unlawfully, faces constant dangers of renewed waves of the pandemic. Thousands of people from Myanmar's destitute and devastated communities try to cross the border daily. While Thailand has received 3,000 refugees fleeing from conflicts near the Thai-Myanmar border, there has been a larger influx of illegal migrants, which reached nearly 100,000 over the last few months, almost none of whom are likely to have been vaccinated. The exodus of illegal migrants not only created a serious hole in Thailand's "test and go" visit schemes, but also pushed regular migrants into trafficking traps, undermining the Kingdom's serious anti-trafficking efforts to improve its 2022 ranking in annual Trafficking in Person reporting.

Figure 1: Vaccination rollouts in Cambodia and Myanmar, 2021



Source: Our World in Data, January 2022.

Meanwhile, the refugee camps in Bangladesh that filled with over one million forcibly displaced Muslim populations from Western Myanmar faced dangers of Covid-19 outbreaks. In these camps, vaccination was the most appropriate measure for the crowded conditions, as other effective responses such as testing, social distancing, and quarantine are nearly impossible to implement in the camps.²¹ The host government was only able to begin its vaccination program in the camps in August 2021 and by February 2022 had reached about 30% of the refugee populations.²²

The situation in Myanmar and its border regions highlighted clear discriminatory limitations on access to Covid-19 vaccination for the most vulnerable populations in the country. It is therefore essential for all concerned parties in the country, together with regional stakeholders,

to consider taking urgent steps to ensure the access of at-risk populations to vaccination programs. Failure or delay to conduct these efforts will leave not only Myanmar's communities in danger, but also "a third of humanity living in countries bordering Myanmar," where "mutations that give rise to dangerous Covid variants are a worrying possibility."²³ In this regard, timely vaccine delivery can be the first step in ASEAN-sponsored humanitarian assistance to the country.

Stakeholder views on vaccination

The opportunity for ASEAN's assistance with vaccination emerged when the second ASEAN Special Envoy and Deputy Prime Minister of Cambodia, H.E. Mr. Prak Sokhonn, visited Naypyidaw twice in March and June 2022 and discussed the FPC with Senior General Min Aung Hlaing. The ASEAN Envoy was able to meet with the SAC Taskforce on Humanitarian Assistance, comprising three ministers in charge of international cooperation, public health, and social welfare.²⁴ Prior to the March visit, the Peace Process Steering Team (PPST), which represented ten EAO signatories of the NCA, had already welcomed the ASEAN Envoy's initiative to facilitate humanitarian assistance, and particularly assistance related to the fight against the Covid-19 pandemic.²⁵ In March 2022, PPST also reiterated its support for humanitarian assistance to Yohei Sasakawa, Japan's Special Envoy to Myanmar and Nippon Foundation's Chairperson, particularly for displaced populations in the conflict-affected border regions.²⁶ During the ASEAN Envoy's June 2022 visit, the EAO delegations also followed up with both the regime and the Envoy, including the question of modality of humanitarian assistance delivery.

The most important driving force for a vaccine corridor may be public perceptions of the pandemic. A worldwide Gallup poll on the "willingness to take Covid vaccine" conducted in December 2020 found

that Myanmar is the world's most willing country, with only 4% of over 1,000 respondents unwilling to take the vaccine. During the SAC vaccine rollout, people have queued for long periods despite widespread discontent towards the military regime. Beyond Covid-19 mitigation, renewed efforts to rebuild health resources for vaccination programs can enormously benefit Myanmar's Expanded Program on Immunization, which achieved lower than average immunization coverage compared to other lower middle-income countries, even under normal circumstances before the pandemic. As Myanmar still faces a high burden of vaccine-preventable diseases, the vaccine corridor approach can also narrow the immunization gaps and stop the return of polio and measles infections among children in conflict areas.

Table 4: Willingness to take Covid-19 vaccine, 2020

| | Yes | No | Don't know | Refused |
|------------|------------|-----------|-------------------|----------------|
| Myanmar | 96% | 4% | 0% | 0% |
| Nepal | 87% | 13% | 1% | 0% |
| Nicaragua | 87% | 12% | 1% | 0% |
| Thailand | 85% | 8% | 6% | 1% |
| Iceland | 85% | 12% | 3% | 0% |
| Denmark | 85% | 14% | 1% | 0% |
| Laos | 84% | 6% | 9% | 0% |
| Ethiopia | 84% | 14% | 2% | 0% |
| Cambodia | 84% | 11% | 6% | 0% |
| Bangladesh | 83% | 12% | 5% | 0% |
| Egypt | 83% | 15% | 2% | 0% |
| India | 82% | 17% | 1% | 0% |
| Vietnam | 81% | 14% | 5% | 0% |
| Mauritius | 81% | 18% | 2% | 0% |

Source: Gallup Worldwide Research Data collected from Oct-Dec, 2020.

Conclusion

Informed by the post-Nargis experience, ASEAN can make a quick assessment and take an evidence-driven approach to vaccine delivery for priority groups. With the help of the Thai government, the first group of candidates should be those taking refuge along the Thai-Myanmar border, due to rising conflicts in Southeast Myanmar. Once such an initiative is successfully implemented, a vaccine corridor can be built between the Thai-Myanmar border and nearby cities in Southeast Myanmar, which are often used for channeling migration between the two countries. Similar initiatives can be replicated along other borders as logistics permit, and then in rural and remote areas adjacent to border areas,

followed by conflict-affected areas inside the country. Once a corridor for humanitarian assistance delivery can be established during a humanitarian pause, a long-term rehabilitation plan can be carefully drawn from the needs assessment of each group. Such a plan should prioritize a similar vaccination drive for displaced and vulnerable children, as vaccination rollouts have been disrupted due to the CDM and conflicts.

During a humanitarian pause, ASEAN should also consider appointing a permanent envoy to coordinate humanitarian assistance programs in Myanmar, under the guidance of the rotating ASEAN Chair and the office of the Secretary-General. A permanent envoy could handle vaccine corridors effectively in coordination with international partners, as the AHA Centre does not have in-house capacity for vaccine deployment and delivery. The permanent envoy could also focus on protection of civilians and their access to health services while strengthening the capacity of local NGOs to sustain operations. At the appropriate time, the envoy could integrate peace negotiations into humanitarian dialogue among conflict actors who agree to cooperate with the implementation of vaccine corridors.

14 years ago, ASEAN's humanitarian assistance program for the post-Cyclone Nargis recovery process not only saved thousands of lives in Myanmar, it also facilitated the broader engagement of the international community in helping U Thein Sein's government to introduce democratic reforms. The post-Nargis relief and recovery experience was the decisive factor for his bold leadership, while ASEAN's humanitarian initiative was the main catalyst for changing Myanmar's course. History often repeats itself; it is now high time for ASEAN to help Myanmar again.

¹ UN Security Council, "Resolution 2532 (2020)," adopted by the Security Council on July 1, 2020. This resolution demanded a general and immediate cessation of hostilities in all situations on the Council's agenda and called upon all parties to armed conflicts to engage immediately in a 90-day humanitarian pause.

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⁴ Govinda Clayton and Valerie Sticher, "The Logic of Ceasefires in Civil War," *International Studies Quarterly* 65, 3, May 18, 2021, <https://academic.oup.com/isq/article/65/3/633/6277949>.

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⁶ U Khin Maung Soe, "Interview with U Yee Mon, NUG Minister of Defense," Radio Free Asia, April 18, 2022.

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⁹ ACLED, "10 Conflicts to Worry About in 2022: Myanmar: Continued Resistance Against the Military Coup," 2022, <https://acleddata.com/10-conflicts-to-worry-about-in-2022/myanmar/>.

¹⁰ Physicians for Human Rights, "Our Health Workers are Working in Fear," January 2022, <https://phr.org/our-work/resources/one-year-anniversary-of-the-myanmar-coup-detat/>. The report found 355 incidents of violence against or obstruction of health care services, 284 arrests of health workers, 113 raids on hospitals, and 31 health workers killed between February to November 2021.

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- ¹⁷ On October 5, 2021, the Ministry of Health of Myanmar made a public statement questioning the Gavi COVAX Facility for the delayed delivery of the country’s vaccine quota, however, Gavi did not respond to the statement. By the end of 2021, Myanmar authorities confirmed that the country had not received any delivery from Gavi for reasons unknown to the author.
- ¹⁸ The 12-member IAVG examined Covid-19 vaccine readiness in terms of national regulatory requirements, availability of supply, and fulfilment of other criteria such as validated NDVPs, indemnification and liability agreements, and export and import authorisations. It approved Myanmar to receive the first batch of 3.6 million vaccines during the meetings of February 22-23, 2021. For further information see UNICEF, “COVAX publishes first round of allocations,” March 2, 2021, <https://www.unicef.org/press-releases/covax-publishes-first-round-allocations>.
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4 Five-Point Consensus and China's Role in Myanmar

Enze Han

Executive Summary

- China is committed to allowing the Association of Southeast Asian Nations to play the pivotal role in mediating the current political crisis in Myanmar.
- Beijing has strong reason to see the success of the Five-Point Consensus because of concerns for negative spillover effects on China as well as concerns for strategic investments in Myanmar.
- China cannot overtly pressure the military junta in Myanmar to abide by the Consensus because Beijing does not want to be perceived as directly interfering in Myanmar's domestic politics, nor does Beijing believe the junta is subject to its pressure.
- However, China does have the capacity to facilitate dialogue among all parties concerned, including members of the State Administrative Council and the National League for Democracy.
- China also has a deep connection with a few Ethnic Armed Organizations along its border with Myanmar and can theoretically pressure them for a constructive peace process within the country.
- Beijing has the capacity to provide humanitarian assistance to Myanmar, such as Covid-19 vaccines and medical supplies, and should provide more financial assistance for the Internal Displaced Persons.
- China needs to demonstrate its goodwill to the Myanmar people by facilitating political dialogue and a peaceful transition to civilian rule.

Introduction

The current political crisis in Myanmar has no end in sight. The military coup carried out by Min Aung Hlaing in February 2021 unleashed the floodgates of domestic political chaos, with the National Unity Government (NUG) opposing its rule as well as increasing militarized confrontations between the People's Defense Force (PDF) and the national military. As the military junta State Administration Council (SAC) enforced its *de jure* rule with brutal force, it has been shunned by the international community, with western governments applying economic sanctions and refusing to recognize the military's international legitimacy through diplomatic boycotts. However, international attention to Myanmar has worn thin with current spotlights squarely focused on the war between Russia and Ukraine. Thus, the danger for the Myanmar people is that the international community would not focus on their plight, and because of this the country would simply descend into endless cycles of low-intensity violence. Such a scenario would not only lead to continual humanitarian crises within the country, but also pose a security threat to neighboring countries, such as refugees and other negative externalities spilling across borders.

For the Association of Southeast Asian Nations (ASEAN), the Myanmar crisis has exposed its institutional weakness and lack of political power to enforce compliance from one of its member states. Since the Five-Point Consensus (FPC) was reached a year ago there has been little progress in its implementation. Initially ASEAN was slow in appointing a Special Envoy to mediate political

dialogues. Most recently, the visit by Cambodian Foreign Minister Prak Sokhonn to Myanmar did not produce a promising outcome either. Neither the military nor the NUG seems to be interested in negotiating with each other. The hardening of positions and the unwillingness for compromise between the warring parties indicate the stalemate is likely to persist, which will only prolong conflicts and suffering for the Myanmar people. It is thus imperative for ASEAN to find new momentum to bridge the differences between the military junta and the NUG and bring everyone to the negotiation table.

As Myanmar's northern neighbor, China is presumed to have a special role in facilitating the realization of the FPC. It has been Beijing's preference for ASEAN to take the leading role in resolving the political crisis in Myanmar, rather than extra-regional players such as the United States becoming involved. At the same time, it is in Beijing's interest to see Myanmar return to political stability and find a way out of the current stalemate. Because of its significant geostrategic and economic interests in Myanmar, Beijing would like to see a de-escalation of conflicts, and political dialogues that lead to a peaceful transition back to civilian rule. Any deterioration of domestic stability in Myanmar will have negative spillover effects across the border in China, particularly at a time when domestically the Chinese state continues to pursue a zero-Covid policy. There is thus substantial common ground between China and ASEAN, and the latter needs to work closely with China to see how their overlapping interests can materialize within Myanmar.

China's role in Myanmar's political crisis

Since the coup in Myanmar, there have been substantial media allegations of China's involvement, and speculation on how such regime change would benefit China. Various rumors alleged how China was actively supporting the coup, and within the country substantial blame games targeted the Chinese government, and by extension ethnic Chinese living in Myanmar. As a result, strong anti-Chinese sentiment within the country directly threatened some of China's existing investments, with reported cases of burning and looting of some textile factories in the outskirts of Yangon.

Allegations of China's involvement are unfounded, however, because Beijing is equally displeased with the direction Myanmar has taken during Min Aung Hlaing's rule. The political chaos unleashed by the coup has overall negatively affected China's strategic and economic interests in the country, which warrants a recalibration of Beijing's policies. The cooperative relationship between the previous government under Aung San Suu Kyi has gone to waste. Deteriorating domestic political stability, uncertain future political development, as well as the international sanctions and isolation Naypyidaw faces, have significantly reduced China's confidence in Myanmar's domestic business environment. Thus, although some of China's existing investment projects in the country will continue, no new investments are likely to be made in Myanmar given the current political situation.

The current Chinese policy priority for Myanmar is therefore to find a way towards more political stability. Without such stability, Beijing's geostrategic design and economic interests in the country would be vulnerable to sabotage and impossible to realize. Previously, China worked closely with Aung San Suu Kyi's government through the China-Myanmar Economic Corridor, which facilitated trade cooperation and increasing connectivity between the two neighboring states. Suu Kyi was also publicly supportive of China's Belt and Road Initiative (BRI) and indicated Myanmar's willingness to seek further economic partnership with China. At the time, China was Myanmar's second largest investor and its largest trading partner.

Further, Myanmar was previously considered a crucial geostrategic link for China's BRI. China's construction of two oil and gas pipelines connecting Kyaukphyu in Myanmar's Rakhine State to Kunming in China's Yunnan Province was lauded as a strategic accomplishment that would assist Beijing to bypass the Malacca Strait and increase its energy security with direct overland access to the Indian Ocean. At the time of its renegotiation during Suu Kyi's government, the Kyaukphyu port project, of which the Chinese CITIC group owns a 70% share, was considered a major step in pushing ahead China's BRI via Myanmar, even though it was scaled down from its previous design. The coup has, however, fundamentally altered Beijing's enthusiasm for investment. Despite the SAC giving the greenlight to the construction of the port, its value for China has diminished because of the domestic chaos in the country. As a result of militarized resistance towards the junta, the two pipelines have also become targets for sabotage and attack. Thus, China's goal for increasing energy security via Myanmar has in fact made it more vulnerable to various emergencies.

Due to the above, Beijing does not believe the continuation of the military junta would best serve its interests in the region. That is why ASEAN's proposal of the FPC was highly welcomed by Beijing. In August 2021, after a week-long visit to Myanmar by Sun Guoxiang, China's senior Special Envoy for Asian Affairs, Chinese Foreign Ministry spokesperson Wang Wenbin stated, "China actively supports Myanmar's cooperation with the Association of Southeast Asian Nations (ASEAN) in implementing the Five-Point Consensus on Myanmar reached by ASEAN, and opposes undue external intervention." Successful realization of the FPC would not only satisfy Beijing's interests in Myanmar but would also consolidate ASEAN centrality for regional cooperation. This is crucial given how many Indo-Pacific related grand schemes have been proposed by the US, aiming to encircle China. Thus, emphasizing ASEAN's centrality in regional cooperation is an effective mechanism Beijing can rely on to push back against the US and its Indo-Pacific designs.

On the other hand, ASEAN also understands the crucial role China can play in realizing the FPC. This was clearly expressed by the Indonesian Foreign Minister Retno Marsudi after her meeting with her Chinese counterpart Wang Yi, that "China's support for ASEAN to follow up on the Five-Point Consensus will be highly appreciated, because this will contribute to efforts to reach a peaceful solution to the crisis ... China's support for ASEAN's effort will be crucial." This is because ASEAN believes China possesses access to the Myanmar military junta, and there are certain types of leverage that Beijing can use to put pressure on it. Thus, ASEAN requires China's assistance to bring the various parties to the negotiation table, while also considering China's resources valuable in delivering humanitarian assistance to the country.

Limits of China's influence

There are, however, clear limits to China's influence. Beijing has not openly condemned the military junta and is unlikely to do so. It would be against China's official foreign policy principle of non-interference in other countries' domestic politics, no matter how hypocritical others might accuse Beijing of being for such a policy. Beijing simply will not call for outright regime change in Myanmar and will only treat the political crisis as the country's own domestic matter that should be dealt with through political dialogues. Therefore, it is unrealistic to expect that Beijing would strong-arm the military junta to comply with the FPC. What Beijing is likely to do is talk with the SAC and hope that through diplomacy some types of compromise might occur. For example, when Sun Guoxiang visited Myanmar in August 2021, he reportedly requested to meet with Aung San Suu Kyi, but the request was declined by the military. This did not stop Sun from visiting Myanmar again three months later, while emphasizing that, "China will work together with the international community to play a constructive

role in Myanmar's efforts to restore social stability and resume democratic transformation at an early date."

Therefore, it seems China is willing to talk to the military generals, but whether they will listen to China's advice is entirely uncertain. Beijing does not want to place too much pressure on them because it might be perceived as antagonistic and risk hurting existing Chinese interests in the country. Given the extensive investments China has in Myanmar, Beijing is partly beholden to the "goodwill" of the military junta to guarantee the safety of these investments. On the other hand, the Myanmar military is notorious for its insular mentality and is willing to bunker down while taking the whole country with it. The generals believe that they have survived isolation before and can do it again. Beijing is thus unlikely to use coercive diplomacy to try to change the generals' minds.

Furthermore, with the international community focusing on the crisis in Ukraine, there are limited resources/interests remaining for Myanmar. The low-burning crisis in the country seems almost forgotten by the outside world. China's diplomatic machinery has also been recently occupied by Western sanctions on Russia, as well as its seemingly convoluted position of anti-NATO expansion, but with sympathy towards Ukraine's territorial integrity. Foreign Minister Wang Yi's recent trips to Europe, the Middle East, and South Asia were all conducted to discuss such issues. Myanmar is simply no longer a priority for China at this moment. Therefore, if there is no drastic deterioration of the political situation in Myanmar, Beijing is unlikely to spend too much political capital on it.

What can Beijing do or not do?

Beijing is nonetheless well-positioned to be the interlocutor between the military junta, Myanmar's domestic opposition, and the ASEAN governments. With access to the SAC, Beijing can bring the military's interests to the negotiation table. Of course, those who think it morally corrupt to negotiate with the military would certainly not welcome Beijing's efforts. But others who agree a realistic solution for the country's myriad problems cannot be achieved without the participation of the military would appreciate Beijing's role. Indeed, during talks with SAC Foreign Minister Wunna Maung Lwin in April 2022, Foreign Minister Wang indicated that China will always support Myanmar, regardless of how the situation changes. One should note that in the same speech, Wang separated "Myanmar" the country from the "Myanmar government" represented by the SAC.¹

However, China remains pragmatic and ultimately respects ASEAN's decisions regarding the SAC's participation in regional forums. For example, at the China-ASEAN Summit in November 2021 hosted by Chinese President Xi Jinping, China's suggestion to include Min Aung Hlaing at the Summit was rejected by ASEAN, which China accepted. This indicates Beijing will defer to ASEAN on such political decisions. There is little interest in Beijing to see its estrangement from ASEAN because of Myanmar.

At the same time, China also remains open to Myanmar's domestic opposition. For instance, at the United Nations, Beijing accepted the continuation of Kyaw Moe Tun as Myanmar's representative, even though he pledged loyalty to the overthrown government and was charged by the SAC with treason. Given its previous cordial relationship with Suu Kyi's government and her National League for Democracy (NLD) party, it would not be a surprise if Beijing maintains active channels of communication with both the NLD and the NUG. Therefore, if the NUG is willing to negotiate with the military, then Beijing should be instrumental in bringing about such meetings. Of course, given the

hardening of the NUG's position, with some members calling for the outright annihilation of the military, then there is little Beijing can do but sit out while the situation plays its course.

Where Beijing does have strong influence is with several Ethnic Armed Organizations (EAOs) along its long border with Myanmar. China maintains long working relations with a few of the large EAOs, such as United Wa State Army and the Kachin Independent Army. When Suu Kyi's government was engaged in a series of peace negotiations, China's nudge to bring these EAOs into the meetings was instrumental for the process. It seems that in the post-coup situation, some of these EAOs are mainly occupied with consolidating or expanding their areas of control in opposition to the military, rather than engaging with the NUG for a democratic transition per se.

Theoretically, if Myanmar's democratic transition were to have a real chance of future success, a federal political structure is perhaps inevitable given the country's extreme ethnic diversity. With so many EAOs in this fragmented country, only power sharing at the local level can ensure peace and stability are sustained. In this sense, China should encourage the EAOs over which it has influence to seek political dialogue with the NUG to search for a solution for the country. At the same time, Beijing should dissuade the EAOs from engaging in battles with the military junta to lessen the suffering of the borderland people.

Beijing clearly understands the negative externalities Myanmar can present for China. During the Covid-19 pandemic, the loss of the SAC's domestic control increased the threat to China's zero-Covid policy because of the long porous border between the two countries. It is therefore telling that Beijing has constructed border fences to prevent unauthorized entry into its territory and worked with various EAOs to directly provide them with vaccines and other medical supplies to create a Covid-19 buffer along the border.

Beijing is well-resourced to provide humanitarian assistance to Myanmar, both in terms of battling the Covid-19 pandemic as well as offering support for its internally displaced persons (IDPs). At a time when Myanmar was shut off from the outside world, Chinese vaccines were probably the only ones available to help the country control the pandemic. There would of course be those who refused to accept the Chinese vaccines in protest over the military junta, or out of existing bias towards China, but without these vaccines the pandemic would have only worsened in the country.

China should do more to help reduce the humanitarian crisis in Myanmar. In addition to medical supplies, China should create resources to support Myanmar's IDPs. Although there is toxic sentiment in Myanmar towards Beijing, and it seems to be the country with the highest percentage (87.3%) of people that worry about China's growing economic influence,² Beijing should nonetheless continue to offer such assistance. Ultimately these two neighboring states share a common fate, and China should increase efforts to create a more positive image for itself in Myanmar, despite the challenges.

Conclusion

From Beijing's perspective, ASEAN's leadership to help solve Myanmar's political crisis is indispensable, and thus Beijing is committed to seeing ASEAN play a pivotal role in realizing the FPC. However, there are clear limits to what Beijing is willing to do to bring the FPC to fruition. Regardless, given its existing ties, China should use its influence to facilitate political dialogue among all parties

concerned, including the military junta and the NUG. Furthermore, China can help with Myanmar's domestic peace process by pressuring a few EAOs along its border to renew engagement with the SAC.

More importantly, as Myanmar is isolated from the international community and continues to battle the Covid-19 pandemic, China might be the only country with the capacity to provide humanitarian assistance. It should prioritize aid to Myanmar and offer valuable vaccines and medical supplies. This is a great opportunity for Beijing to demonstrate its goodwill to the Myanmar people and improve its public image, which has suffered significant blowbacks since the coup. As a neighboring state that shares a long border with Myanmar, China's tremendous strategic and economic interests in the country are at stake. Beijing should use whatever resources at its disposal to facilitate a peaceful power transition in the country for the sake of Myanmar as well as for itself.

At the same time, Myanmar's opposition and the NUG require clear-headed reflection on China's crucial role in finding solutions to the crisis. Indeed, it seems the NUG would take a pragmatic approach toward relations with China, and there are some mutual understandings between them regarding their respective interests and positions.³ It is clear that Myanmar's future will be influenced by its giant northern neighbor, while China would also benefit from Myanmar being a reliable and stable partner. There is plenty of room for the NUG to work with Beijing towards a mutually beneficial future.

¹ Ministry of Foreign Affairs of the People's Republic of China, "Wang Yi Holds Talks with Myanmar's Foreign Minister U Wunna Maung Lwin," April 1, 2022, https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202204/t20220402_10663718.html.

² ASEAN Studies Centre, "The State of Southeast Asia: 2022 Survey Report," ISEAS Yusof Ishak Institute, 2022, <https://www.iseas.edu.sg/articles-commentaries/state-of-southeast-asia-survey/the-state-of-southeast-asia-2022-survey-report/>.

³ The Irrawaddy, "'We Will Remember Who Stood With Us,' Says Myanmar Shadow Govt's Foreign Minister," April 5, 2022, <https://www.irrawaddy.com/in-person/interview/we-will-remember-who-stood-with-us-says-myanmar-shadow-govts-foreign-minister.html>.

5 India, Myanmar and ASEAN: Can New Delhi Act as a Regional Mobiliser?

Angshuman Choudhury

Executive Summary

- From an Indian perspective, the ASEAN Five-Point Consensus (FPC), in its current form, is insufficient and ineffective for solving the crisis in Myanmar.
- India has so far maintained a neutral approach towards the coup, calling for early restoration of democracy but also engaging with the junta and refusing to impose sanctions on it.
- India has appealed for a regional solution to the crisis. It has firmly supported the FPC and the ASEAN Chair's Special Envoy mechanism. However, it has done little to actively facilitate any regional solution-building process beyond the FPC.
- India's neutrality hasn't augured well with Myanmar's democratic political opposition. Hence, more needs to be done.
- India needs to mobilize a regional coalition of the willing in an "ASEAN Plus" (ASEAN+) structure and use it to substantively expand the FPC's scope.
- Such a formation could exercise greater leverage over the Myanmar junta than ASEAN alone and therefore secure better outcomes. This grouping should include ASEAN (except Myanmar), India, Bangladesh, Japan, and China.
- All proposed ASEAN+ members have significant political, economic, and strategic interests in Myanmar and therefore wish to see stability return to the country as quickly as possible. They also have existing foreign policy synergies, which could be channeled towards creating a constructive regional solution to the crisis.
- ASEAN+ should focus on two immediate goals: humanitarian assistance and facilitation of monitored multi-stakeholder dialogue.
- ASEAN+ should avoid directly pressing for political or constitutional reforms and instead focus on creating a conducive environment to mainstream and empower the democratic opposition.

India's position on the Myanmar coup

India has taken an arguably "neutral" diplomatic position on the February 2021 military coup in Myanmar. This position – often referred to as "tightrope diplomacy" – is underpinned by a dual strategy of maintaining links with the military junta while calling for a return to democracy.

Since the coup, India has repeatedly affirmed its support for the restoration of the "democratic process" in Myanmar.¹ At the same time, it has stated that it believes in a non-interventionist, pro-engagement, anti-sanctions approach towards the junta. India has also avoided using the term "coup" in its official statements.

To explain its position, India has posited its key foreign policy interests towards Myanmar, which may be classified into three clusters: border security; developmental cooperation; and the Rohingya refugee crisis.

New Delhi has also clarified that it would only support a “regional solution” to the crisis, molded by what it believes are unique concerns and interests shared by countries in Myanmar’s neighborhood. This pre-eminently includes ASEAN countries, which India believes are best placed to find a resolution to the crisis. Hence, it has firmly backed the FPC and the attendant Special Envoy mechanism.²

India’s normative interest in democracy in Myanmar comes from the fact that it is the world’s largest democracy and a regional antithesis to authoritarian China. However, India limits the exercise of this interest to capacity-building cooperation aimed at strengthening democratic institutions. There is no value-based imposition of democratic norms, least of all as a precondition to bilateral cooperation or aid.

Further, New Delhi believes that the crisis can be resolved through civil-military dialogue. This is a proposition that may not have many subscribers inside Myanmar. Interestingly, however, India has repeatedly stressed the importance of the creation of a “federal democratic union” in Myanmar, which is exactly what the pro-democracy movement in the country today seeks to achieve.

Indian leverage over the junta

India enjoys significant leverage over the Myanmar military. The Generals see India as a regional balance against China, with whom they have an unsteady relationship of reliance and overreliance.

Over the last two decades, India has also emerged as a crucial security sector partner for the Myanmar military in the specific domains of training, kinetic cooperation (such as joint counterinsurgency operations), and arms sales. In the last few years, India has sold a range of critical platforms to the Myanmar defense forces – including helicopters, torpedoes, and a submarine – which have boosted the latter’s deterrence capabilities and firepower.

All of this is backed by a legacy relationship between New Delhi and the Generals, which dates to the early 1990s when India launched its Look East Policy (LEP) and began seeing Myanmar as its springboard to Southeast Asia. In 2014, India upgraded the LEP to the Act East Policy (AEP), which created fresh synergy for multi-sectoral cooperation with Myanmar. Subsequently, both countries fortified their military-to-military cooperation across sectors.

Even during the Rohingya refugee crisis (2016-17), India maintained a neutral line, refusing to condemn the Myanmar military.³ India continues to believe that the military is a central politico-strategic force in Myanmar. This helps the latter maintain broader credibility in the region and in turn preserve its political authority within the domestic state structure.

India and the FPC: Gaps in current approaches

The FPC is ineffective in its current form, as is India’s position of relying on it. There is more than one reason behind this.

The FPC has several issues, the most fundamental of which is that it accords agency to only one party – the junta – to initiate dialogue and set the terms for it. Additionally, it is vaguely worded and thus gives too much discretion to the junta to interpret it widely to suit its own vested interests.

One common flaw in both the FPC and the Indian approach is that they assume the current military is a good faith actor that can be trusted to engage in fair dialogue with the democratic opposition. The junta remains staunchly averse to engaging with the pro-democracy opposition. It has designated the shadow government, the National Unity Government (NUG), and the Committee Representing Pyidaungsu Hluttaw (CRPH) as “terrorist organizations,” and incarcerated and/or denationalized senior political figures.⁴ The junta is only willing to talk to the Ethnic Armed Organizations (EAOs) that do not constitute the entirety of the pro-democracy movement.

There is also little to no appetite among the democracy movement for a purely internal dialogue with the Generals. This is because of a total breakdown of trust between the civilian bloc and the junta due to the latter’s repeated dismissal of popular mandates and cycles of brutal violence against civilians. The democracy movement today does not seek to narrowly reform the political system, but completely transform it from the top down by abolishing the military-drafted 2008 Constitution and bringing the defense forces under civilian control. Both India and the FPC seem to be overlooking this revolutionary objective.

As far as India’s position goes, there is a serious contradiction between words and actions. First, New Delhi continues to support the restoration of democracy in Myanmar, but also only publicly engages with the junta, which is an anti-democratic actor. Second, India has called for a regional solution to the crisis as a secondary stakeholder but has done nothing to facilitate such a solution. It has placed all its eggs in one basket: ASEAN (or the FPC).

Why should India step up?

There is more than one compelling reason why India should break its diplomatic ennui and use the FPC framework, if not dispose of it completely, to facilitate a comprehensive regional solution to the Myanmar crisis.

India’s “neutrality” towards the coup makes it look exactly like China, which has refused to explicitly condemn the junta. This is an awkward position to take for a democratic Asian power that vouches for a liberal, rules-based order in the Indo-Pacific Region.

India’s position also diminishes its image before Myanmar’s pro-democracy civil society and political fraternity. Daw Zin Mar Aung, the NUG’s Foreign Minister, has on several occasions expressed her disappointment over India’s “neutrality.” She has even hinted that India’s position will shape its foreign policy in the future.⁵ The NUG commands strong legitimacy among the people of Myanmar, especially the Bamar majority. Alienating it could seriously jeopardize Indian interests in Myanmar in the near future. As second-order consequences, India’s assets in the country could face physical threats from NUG-linked armed entities if it is seen to be continually legitimizing the junta.

Another reason India should step up and lead a regional crisis-resolution initiative is because it could elevate its status in the international order. As an ascendant middle power vying for a permanent UN Security Council seat, India’s constructive leadership in this case could fortify its position as a force for good in the world (and the region). This would boost its standing in both bilateral and multilateral relationships. China has already formally or informally inserted itself as a mediator in various crisis

situations in the region (such as in the Rohingya crisis and Afghanistan). Leading an initiative around Myanmar could help India catch up.

ASEAN Plus: What and how

The FPC needs to be expanded along two tangents: substantive and institutional.

Substantively, the document needs to be more specific. Currently, it proposes “constructive dialogue among all parties” and suggests that the Special Envoy meet with “all parties concerned.” These are open-ended propositions, which the junta has exploited to exclude the democratic opposition from any proposals for dialogue. The document needs to stipulate specific entities within the democracy movement – the NUG, CRPH, National Unity Consultative Council (NUCC) and EAOs – for engagement.

Institutionally, the FPC needs to go beyond ASEAN and involve a larger set of regional actors. This is because the region’s non-ASEAN countries, including those that share direct borders with Myanmar, also have stakes in an early resolution of the crisis. This is a view shared by other Indian experts on Myanmar. For instance, former Indian Ambassador to Myanmar, Gautam Mukhopadhyaya, has argued that “ASEAN must involve” India, China, and Bangladesh – three of Myanmar’s neighbors that share its borders and are affected by the coup – in a formal capacity.⁶

This is where a potential “ASEAN Plus” formation (ASEAN+ hereon) could be useful. Such a collective would be fundamentally based on shared regional interests towards Myanmar and existing foreign policy synergies between concerned countries. While an expanded regional formation would be new within the Myanmar context, ASEAN has longstanding experience of working in larger regional multilateral formats, such as the ASEAN Plus Three, which comprises ASEAN, China, Japan, and the Republic of Korea.

The key objectives of such an extended formation would be two-fold: actively and formally engage with regional powers that have direct stakes in Myanmar’s stability; and deploy the cumulative leverage that Myanmar’s neighbors have over the junta to dial up pressure without having to impose sanctions.

The central assumption here is that ASEAN alone does not have enough leverage to compel the junta to reverse the coup, however, with other influential regional powers added to the mix, the junta might comply quicker. Such an expanded grouping would also eliminate the ASEAN’s chartered principle of not interfering in the “internal affairs” of its member states.

From an Indian perspective, the ASEAN+ grouping should comprise the following members: ASEAN member states, India, Bangladesh, Japan, and China. Myanmar, notably, should be excluded from the framework, pending a final resolution. Beyond these countries, ASEAN+ would require the auxiliary support of secondary actors who have experience with working in Myanmar and dealing with various political actors, including the UN (and its Special Envoy’s office and humanitarian arms) and the European Union.

The ASEAN+ mechanism would not invalidate the current ASEAN Special Envoy mechanism, but merely provide a parallel and complementary regional architecture to strengthen its mandate and implementation. The following subsections will justify the ASEAN+ membership.

ASEAN

ASEAN has an overwhelming interest in resolving the Myanmar issue as quickly as possible. The crisis has widened internal contradictions within the organization and opened it up to external criticism and/or diplomatic pressure.

There are critical internal differences of opinion on how to deal with the junta, while the fact that it continues to stall on the FPC isn't helping. For instance, the January 2022 visit of Cambodian PM, Hun Sen, to Myanmar drew sharp criticism from Malaysia, Singapore, Indonesia, and The Philippines, who were unhappy with Phnom Penh's soft approach towards the junta.⁷ All of these elements have worked against ASEAN centrality and affected its sense of cohesion.

India, for its part, has repeatedly extended support to ASEAN's attempts to find a resolution to the crisis, firmly backing the FPC and Special Envoy processes. It has also largely followed the "ASEAN way" of doing things. For instance, in June India refused to invite the junta-appointed Foreign Minister, Wunna Maung Lwin, to the Special ASEAN-India Foreign Ministers' Meeting (SAIFMM) in New Delhi, in line with ASEAN's approach of boycotting junta ministers in its meetings.⁸

Further, over the last decade or so, India has done much to advance its relationship with ASEAN member states – bilaterally, multilaterally, and minilaterally. Since 2014, India's renewed AEP has given further thrust to this push, creating fresh synergy for collaboration across domains.⁹ Under its broader Indo-Pacific strategy, New Delhi has strongly supported the idea of ASEAN centrality and pledged to help build greater resilience for the region's population, including in the post-Covid context.¹⁰

There is therefore strong ground prepared for India and ASEAN to work together on Myanmar, which India considers as its "land bridge" to Southeast Asia. Besides securing Indian interests in Myanmar, it could also strengthen India-ASEAN relations.

Bangladesh

Bangladesh has a deep desire to see the situation in Myanmar improve in earnest, primarily because of the Rohingya refugee crisis. The Sheikh Hasina government has repeatedly stated that Bangladesh's assistance to the nearly one million refugees is temporary, and that they need to return to Rakhine State.¹¹

Dhaka believes that maintaining a stable working relationship with the junta is crucial to ensuring speedy repatriation of the refugees. While the Arakan Army (AA) has emerged as a critical politico-security actor in Rakhine State, it is unclear how much faith Dhaka has in the EAO to ensure early return of the refugees.

India has unambiguously voiced its support for Bangladesh's position, framing it as a core diplomatic issue in the context of both the Myanmar coup and its bilateral relationship with Dhaka. India has also extended humanitarian assistance to the refugees in Bangladesh with the aim of easing pressure on the host country.¹²

Further, India maintains a positive relationship with the Hasina government, both bilaterally and within multilateral formations such as the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), the South Asian Association for Regional Cooperation (SAARC), and the Bangladesh, Bhutan, India, Nepal Initiative (BBIN). It is constantly looking for issues on which to work together with Bangladesh – not just to strengthen the existing bilateral relationship, but also offset some

of the lingering tensions over certain sticky issues. The opposite is also true. Thus, both Bangladesh and India have a strong rationale to cooperate with each other over Myanmar.

Japan

For Japan, an early resolution of the Myanmar crisis remains of paramount importance because of political and economic reasons. As one of Myanmar's largest foreign investors and development partners, Tokyo remains concerned about the instability that the coup has triggered. Further, Japan does not wish to see China dig its feet deeper into Myanmar as the crisis drags on.

Tokyo has expressed strong concerns over the military's takeover and even suspended its Overseas Development Assistance (ODA) to Myanmar.¹³ It has also provided nearly USD47 million worth of humanitarian assistance to Myanmar since the coup.¹⁴ One Japanese beer company, Kirin Holdings, has withdrawn from its business with a junta-linked company.¹⁵ However, Japan has refused to follow its Western partners in imposing sanctions on the junta or publicly engage with the political opposition.

What is clear from the above is that India and Japan have almost the same set of foreign policy drivers regarding Myanmar. Apart from Tokyo's strong condemnation of the coup (and usage of the term), both countries have taken the exact same position on the putsch. Both have longstanding developmental interests in the country and want to balance the Chinese presence.

Over the last decade, India and Japan have forged a significantly close bilateral relationship based on multi-sectoral development in India, and overseas development cooperation and strategic alliance-building. This has happened under the convergent framework of India's AEP and Japan's concept of a Free and Open Indo-Pacific.

Thus, New Delhi and Tokyo are very well placed to work together on Myanmar to realize their evolving shared interests in the South and Southeast Asian regions. An added advantage would be Tokyo's recently expressed desire to work together with Bangladesh on the Rohingya repatriation issue.¹⁶

China

While India-China cooperation over Myanmar might sound overambitious, particularly given renewed tensions over their disputed border, it is both feasible and crucial to the success of the larger ASEAN+ plan. It is also not an entirely new proposal, with other foreign policy scholars recommending the same in an earlier context.¹⁷

Interestingly, India and China share a similar posture of "neutrality" on the coup, which flows from their analogous political, strategic, and economic interests in Myanmar, and a common belief that they need to work with whoever is in power in Naypyitaw.

Currently, China remains most interested in advancing its Belt and Road Initiative (BRI) projects in Myanmar, which include the China Myanmar Economic Corridor. However, it is concerned about the renewed instability and wishes to see normalcy return as quickly as possible. Since the coup, a raft of Chinese assets in Myanmar have come under attack from protestors and rebel entities.¹⁸

Beijing has tried to exude a sense of diplomatic neutrality in the face of mounting public criticism in Myanmar. It has urged not only the junta, but also the NUG to protect its investments inside the country.¹⁹ Therefore, it has already reached out to the pro-democracy movement in a semi-official capacity. In response, the NUG has recognized China as an important neighbor and urged Beijing to support it.²⁰

Bilaterally, India and China have a troublesome relationship. Since 2017, they have been locked in a near-constant state of conflict over their disputed border.²¹ Despite this, trade between both continues to flourish, with 2021 clocking a record high of USD125 billion in total trade.²² Most importantly, both continue to look for ways to keep tensions to a minimum to avoid (or delay) a catastrophic war, which neither can afford. In this context, Myanmar could be a secondary area of cooperation for both countries to offset their bilateral friction over other more contentious issues.

India and China have both invested too much in Myanmar to pull back completely. In such a situation, neither can benefit from a zero-sum game approach. Diplomatic cooperation to ensure restoration of democratic order in Myanmar in line with the wishes of the Myanmar people will benefit both countries. The proposal here is not to eliminate competition, but merely to acknowledge that Myanmar is not a theatre for confrontation.

China has already shown that it is willing to work with its competitors on Myanmar, which is still a low-stakes issue for Beijing. Last September, it made a backdoor deal with the US to stop the junta's representative from replacing Myanmar's current NLD-appointed envoy at the United Nations.²³ Further, Beijing has mediated between Bangladesh and Myanmar on Rohingya repatriation, which is also an issue of interest for India. This unlikely convergence of interests, if instrumentalized in good faith by all parties, could result in a positive outcome for Myanmar and the region.

Another key reason China needs to be included in this initiative is some ASEAN powers that have warm relations with Beijing (such as Laos and current Chair, Cambodia) might be unwilling to participate in any exclusive regional clique that is led by China's regional competitors. As a corollary, any regional initiative on Myanmar that excludes China is likely to draw adverse reactions from Beijing and sharpen tensions in the neighborhood.

Priority issues

From India's perspective, the ASEAN+ grouping is well placed to tackle two priority agendas: provision of humanitarian assistance; and creating conditions for fair multi-stakeholder dialogue under third-party supervision.

Humanitarian assistance

According to the Humanitarian Response Plan 2022 of the UN Office for the Coordination of Humanitarian Affairs, 14.4 million people are in need of humanitarian aid in Myanmar.²⁴ As of June 2022, this included one million Internally Displaced People, including 758,000 newly displaced since the military takeover.²⁵

The conflict that erupted after the coup continues to cause severe damage to both life and property. There have also been concerning reports of the junta deliberately hindering delivery of humanitarian aid to the affected population, with Human Rights Watch claiming that it was doing so "seemingly as a form of punishment."²⁶ Therefore, there is an urgent need to provide affected communities with unimpeded access to humanitarian assistance, especially in regions witnessing high-intensity clashes and displacement.

Existing approaches and lines of aid delivery have proven to be stunted or insufficient. Japan is already sending significant amounts of humanitarian aid to Myanmar. However, other countries do not yet have any comprehensive or consistent emergency aid program for Myanmar. ASEAN, along with India and China, have only mobilized aid related to Covid-19 since the coup.²⁷ In October 2021, Thailand and the

US discussed the possibility of sending aid to Myanmar through the overland border route, but no follow-up has occurred.²⁸

Cambodian Deputy PM, Prak Sokhonn, after his maiden visit to Myanmar in March as the current ASEAN Special Envoy, stated that a “troika mechanism” consisting of Brunei, Cambodia, and Indonesia would meet soon to discuss delivery of humanitarian assistance to Myanmar.²⁹ Subsequently, the UN Special Envoy to Myanmar, Noeleen Heyzer, discussed the troika mechanism, a potential “Friends of Myanmar” arrangement, and a humanitarian corridor, in her meeting with Sokhonn.³⁰

On May 6, ASEAN conducted the Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar to discuss provision of humanitarian aid to the country. High level representatives from all member states, as well as the ASEAN Special Envoy on Myanmar, “UN Specialized Agencies, ASEAN External Partners, and relevant international organizations in Myanmar” participated in the session.³¹ Notably, Myanmar’s junta-appointed humanitarian assistance “Task Force” also participated in the meeting. Various international organizations that are apprehensive of the junta’s ability to equitably distribute aid and want pro-democracy entities to be a part of the group condemned this.³² So far, the group is yet to finalize an arrangement for aid delivery.

Clearly, there is institutional recognition in the region and beyond that much more needs to be done about providing humanitarian aid to Myanmar. ASEAN+ should act on this collective desire and help various concerned parties synchronize their aid programs under a single institutional umbrella. It should take this up as the first agenda item – not only because humanitarian assistance is a common area of concern for all countries in the region, but also because it is low-hanging fruit.

Its primary mandate would be twofold: establish secure and multi-modal (land, air, water) humanitarian corridors into Myanmar; and ensure equitable disbursement of aid to all affected population groups (including the Rohingya).

The junta currently remains closed to the idea of allowing countries to send aid through land border crossings due to security concerns and wants all aid to be routed through the official port of entry in Yangon. ASEAN+ should negotiate to expand access routes and involve multiple delivery partners. This would mean mobilizing non-junta entities (such as local and international NGOs) to process and deliver the aid to remote corners, and opening land border crossings to ensure speedy delivery of aid to strife-torn remote frontier areas like Sagaing Region, Chin State, Karen State, Kayah State, and Shan State. In this regard, India could leverage the networks and capacities of Civil Society Organizations (CSOs) based in Mizoram and Manipur that are already providing aid to asylum seekers in the state and have cross-border links with counterparts in Chin State and Sagaing Region. ASEAN+ could facilitate an expansion of their delivery channels across the border to the strife-torn pockets in these two regions.

Facilitation of political reforms

As stated earlier, there is little to no desire among Myanmar’s civil society and pro-democracy political fraternity to negotiate with the Generals for a settlement, unless there is a guarantee for complete political transformation. Further, the current democracy movement seeks to undertake constitutional reforms, which is a no-go area for most external stakeholders.

For any potential ASEAN+ formation, proposing multi-stakeholder dialogue straightaway could alienate all parties within Myanmar. Hence, it must proceed incrementally.

First, it should pressure the junta to decriminalize the NUG, CRPH, and associated pro-democracy entities by removing the “terrorist organization” proscription slapped on them and reversing its decision

to denationalize some of its prominent members. This could serve as a confidence-building measure to restore some of the broken trust between both camps. More importantly, however, this will help mainstream the NUG within a larger regional context, opening pathways for both internal political and external diplomatic engagement.

Second, it should negotiate an early date for the holding of free and fair elections, as also promised by the junta. However, this should be accompanied by a complete reformation of the Union Election Commission (UEC), which is currently composed of only junta appointees. ASEAN+ needs to pressure the military to include NUG/CRPH members in the UEC before any election is held.

Notably, any dialogue within the political framework of the 2008 Constitution is bound to ultimately fail, as the military would use its entrenched institutional authority to subvert any genuine attempts to bring it under civilian control. However, attempts by external parties to aggressively demand constitutional reforms could trigger an even greater overreaction by the Generals, who would see it as a push for regime change. Hence, ASEAN+ should, for now, avoid any discussions on constitutional reforms, and merely aid in the creation of an environment where the civilian entities can assert themselves without the fear of censure.

The NUCC, a coalition of multiple pro-democracy groups, has published a federal democracy charter, which the NUG considers as the roadmap towards a new constitution. It is this charter that needs to be brought to the political mainstream, and ASEAN+ should focus on doing that without getting directly involved in core political negotiations.

The key idea here is to put in place a regional monitoring mechanism that has more weight than the current ASEAN process, so the junta cannot deceive the political opposition as it has been doing so far. ASEAN+ can involve third-party negotiators, mediators, and political observers to ensure that the talks run smoothly without the junta resorting to coercive tactics.

Challenges and Limitations

The ASEAN+ proposal has its own structural limitations, which could create serious challenges in its implementation.

The basic limitation here is political unwillingness on the part of the ASEAN+ countries to push the line on the junta. Most of them have shown reticence in cornering the coup regime out of reluctance to alienate it and in the process, lose their privileged access to Myanmar's developmental, commercial, and strategic paradigms. Unless there is an extensive shift in the thinking among these governments, they are likely to maintain their neutrality.

Furthermore, given the divergent geopolitical contexts that the member states come from, there is a real possibility that they would fail to agree on common agendas for action. This could be due to sheer unwillingness to work together owing to ongoing conflict or competition (such as between India and China), or lack of consensus (such as between various ASEAN member states).

The India-China rift is a critical concern in the current context of aggravated tensions along their disputed border. These tensions, set against the background of China's BRI-led expansion in South and Southeast Asia, have only deepened their jostle for influence in India's neighborhood. Thus, there is a possibility that neither see eye to eye on Myanmar, as any regional initiative could allow the other to deepen their footprint in the country and gain global legitimacy.

Additionally, one could argue that ASEAN's longstanding inability to reach a unanimous decision on sticky issues could spill over on to ASEAN+. If ten members can't agree on the way forward, it is unlikely that adding more countries would resolve the problem. Having said that, we have seen ASEAN put its foot down on the junta over the last few months and agree on boycotting the regime's senior ministers. This is a positive sign of a reformed collective approach towards regional diplomacy and could be capitalized on within ASEAN+.

Finally, it is likely that the junta would simply refuse to acquiesce to any diplomatic pressure put on it by ASEAN+ and continue to drag its feet on the FPC. The junta has a habit of isolating itself from the world as long as it can cling on to power. However, pressure from a group of countries that comprises some of Myanmar's most powerful neighbors (and strategic partners) could be the red line for the Generals. It is therefore a chance worth taking.

Conclusion

India has supported the FPC with the hope that it will lead to a quick resolution of the situation. However, there are no easy solutions to the crisis and in this regard, in its current form, the FPC is too rudimentary a framework.

India is eager for a regionally led solution. To this end, it must use the FPC framework to mobilize a regional coalition of the willing to increase pressure on the Myanmar junta to revert to democratic rule as soon as possible. This coalition of ASEAN and four other neighbors of Myanmar will pool its individual leverages over the junta into a common platform based on shared interests. This will, however, require all countries to shed their diplomatic dogmas and think creatively.

Finally, ASEAN+ should adhere to the wishes of the Myanmar people as the basis of any action and ensure that it is merely a constructive facilitator – and not the leader – in the process that will take the country towards a new future.

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6 Implementing the Five-Point Consensus on Myanmar: The Role of the United Nations

Noel M. Morada

Executive Summary

This article examines the role of the UN in implementing the Five Point Consensus in Myanmar by identifying the relevant factors, including constraints, in the world body's capacity to influence the situation in the country following the coup in February 2021.

The key points of this article are as follows:

- The UN has very limited leverage in dealing with the Myanmar military in ending the ongoing violence. However, it can play a critical role in containing the humanitarian crisis in the country through its various in-country, regional, and international representations.
- The visit of the UN Special Envoy on Myanmar in August 2022 is unlikely to break the stalemate in the ongoing crisis even as the junta chief is exploiting that meeting to enhance the State Administrative Council's (SAC) legitimacy within Myanmar, specifically among its Buddhist nationalists and pro-military supporters.
- Given that the junta remains adamant in its refusal to cooperate with ASEAN and the UN in implementing the FPC, it would be more strategic and practical to focus on engaging the democratic forces within and outside the country. Providing moral and material support to their goal of gaining more international recognition and legitimacy for the NUG, for example, could contribute to increasing pressure on the junta to negotiate for a peaceful solution to the political crisis. The NUG, the National Unity Consultative Council (NUCC), EAOs and the Rohingya community must also be encouraged to continue with their participation in an inclusive process of crafting an alternative Myanmar constitution.
- There are several priority areas for restoring the democratic order in Myanmar, and the UN can help the NUG and other democratic stakeholders in pursuing these in the medium- to long-term. These include: 1) finalizing a draft democratic constitution that embodies a set of principles guaranteeing respect for fundamental freedoms and ensuring the protection of human rights of all people; 2) ensuring representation of various ethnic and religious communities in the restored democratic order; 3) creating a mechanism to address transitional justice issues; 4) protecting the political, economic, and cultural rights of ethnic and religious communities; and 5) abolishing the 1982 Citizenship Law and other discriminatory laws such as the 2014 laws on Protection of Race and Religion.

Introduction

Although the United Nations (UN) may have very limited leverage in dealing with the Tatmadaw in Myanmar, it can still play an important role in ending the humanitarian crisis in the country through its various in-country, regional, and international representations. The UN should coordinate its diplomacy with ASEAN in pursuing the implementation of the Five-Point Consensus (FPC) and seriously consider openly engaging with democratic forces in the country.

Engagement with the military junta before 2010

The UN has engaged with both the military and civilian governments in Myanmar since 1992 through various channels. This includes the appointment of Special Rapporteurs on the Situation of Human Rights in Myanmar (1992 to the present),¹ a Special Envoy of the UN Secretary General (2018 to the present),² and the creation of a UN International and Impartial Fact-Finding Mission on Myanmar (IIFFMM, which operated from 2017-2019). The IIFFMM was created by the Human Rights Council specifically to investigate the atrocities committed against the Rohingya population and other ethnic minority groups in the country following the Tatmadaw's operations in August 2017. There is also a UN Country Team Office in Yangon headed by a resident coordinator and humanitarian coordinator that oversees various development programs and humanitarian assistance of 22 UN agencies in Myanmar.³

While the Special Rapporteurs and the Special Envoys focus on political issues, the Country Team focuses on socio-economic and humanitarian concerns affecting the population in Myanmar. Accordingly, these two tracks of UN engagement in Myanmar have different constituencies: the former primarily deals with the concerns of the international community; the latter deals with domestic actors and other stakeholders in the country. There were significant differences in their respective approaches and responses to internal conflicts and crisis situations in Myanmar, specifically in the aftermath of the atrocities committed by the Tatmadaw against the Rohingya population in Rakhine in 2017. No less than the IIFFMM's 2018 report and subsequent 2019 report commissioned by the UN Secretary General pointed to the UN's systemic failure in coordinating the work of its headquarters in New York and the Country Team in Yangon to respond to the humanitarian crisis in Rakhine since 2017.⁴ Specifically, the latter report concluded that there were "damaging failures, including competing strategies between agencies, a 'culture of mistrust' in relations with the government and 'mixed and incomplete signals coming from the field'," which resulted in "lost opportunities in the UN system" because of "fragmented strategy and lack of a plan of action."⁵

Engaging with the Myanmar military on human rights and political issues has been quite difficult for Special Rapporteurs since before the start of the democratic transition in 2010 under the Union Solidarity and Development Party (USDP). The military junta, under the State Law and Order Restoration Council (SLORC) and its successor the State Peace and Development Council (SPDC), was not cooperative with the Special Rapporteurs in addressing human rights concerns raised by the UN. These concerns included the continuing detention of democracy leader Aung San Suu Kyi and the violent crackdown against Buddhist-led protestors in 2007 that killed over 1,000 civilians and left many still missing. In the aftermath of Cyclone Nargis in 2008, the SPDC initially refused to cooperate with the UN and the international community in delivering humanitarian assistance to affected populations in the country. It was only after ASEAN's backdoor diplomacy that the junta relented and agreed to open its borders to international humanitarian aid through the regional organization.

Engagement with USDP and NLD governments

Under President Thein Sein's USDP government, engagement with the quasi-civilian government was much easier, as it was more flexible in engaging with the UN and Western democratic countries that were quite supportive of the democratic transition period in Myanmar. With the release of Aung San Suu Kyi from house arrest and her participation in the by-elections of 2012, there was some optimism within and outside the country that the democratic space would contribute to improvements in Myanmar's human rights situation. However, with the eruption of communal violence in Rakhine in

July and October 2012 and the subsequent attacks by Buddhist nationalist group Ma Ba Tha against the Rohingya and other religious minority groups, UN engagement with the USDP government through the Special Rapporteur became more strained if not totally difficult. Even so, the Special Rapporteur paid regular visits to Myanmar and had access to the Rohingya and other communities in Rakhine that were affected by communal violence, as well as to other ethnic minority groups that were also suffering from human rights abuses by the military.

Under the National League for Democracy (NLD) government, Suu Kyi initially continued engagement with the UN by allowing the Special Rapporteur to pay visits to the country. She also formed the Advisory Commission on Rakhine State, which was headed by former UN Secretary General Kofi Annan and mandated to draw recommendations to end the communal violence in Rakhine between the Rohingya and Buddhist Arakanese communities. However, these efforts met strong resistance from the Tatmadaw and the Ma Ba Tha, which considered them interference in the domestic affairs of the country. In the aftermath of the Arakan Rohingya Salvation Army (ARSA) attacks in Rakhine in August 2017 and the international outrage over the killings and mass exodus of the Rohingya population to Bangladesh, the NLD government became uncooperative with the UN, even as Suu Kyi faced enormous pressure at home from the Tatmadaw. Specifically, her government refused to allow visits by the Special Rapporteur and the IFFM panel, which were investigating the atrocities committed by the Tatmadaw in Rakhine in 2017 and against the Rohingya and other ethnic minorities in the country. She also did not recognize the jurisdiction of the International Criminal Court (ICC) and refused a visit by the court's prosecutor to investigate atrocity crimes committed against the Rohingya after Bangladesh filed a case.

However, Suu Kyi allowed UN Special Envoy Christine Schraner Burgener to visit Myanmar in October 2018 more than a year after the ARSA attacks in Rakhine. The Envoy's visit primarily focused on progress in pursuit of accountability for atrocities committed in Rakhine and other parts of the country against the Rohingya and minority ethnic groups.⁶ She made a total of nine subsequent visits to Myanmar and Bangladesh prior to the coup of February 2021. These included a trip to camps of Internally Displaced Persons (IDP) in Rakhine for Muslim and Arakanese communities,⁷ and meetings with various stakeholders to end resurgence of violent conflict between the Arakan Army (AA) and the Tatmadaw, which erupted in late 2018. Burgener's quiet diplomacy on the Rakhine crisis of 2017 under the NLD government but very public condemnation of the February 2021 coup apparently failed to break the stalemate that could have contributed to easing the humanitarian crises in Myanmar.

In responding to international pressures over atrocities in Rakhine, Suu Kyi created the International Commission of Enquiry (ICOE) in August 2018, a panel composed of retired foreign diplomats and Myanmar nationals that was mandated to investigate the violence in Rakhine. She used the findings of the panel to deny that genocide was committed against the Rohingya when she appeared before the International Court of Justice (ICJ) in December 2019. The ICOE released the findings of its report in January 2020, which concluded that no genocide was committed by the Tatmadaw but that war crimes may have been committed by members of the security forces in 2017.⁸ The findings of the ICOE, however, were criticized by human rights advocates and former members of the IFFM who had investigated the atrocities in Rakhine since 2017.⁹

Engagement with Myanmar after the February 2021 coup

Up until August 2022, the UN Special Envoy and Special Rapporteur on Myanmar have been unable to visit the country amid continuing atrocities by the State Administration Council (SAC) against

civilians and the growing humanitarian crisis brought about by Covid-19 and the collapsing economy. Despite the appointment of a new UN Special Envoy — Dr Noleen Heyzer, a Singaporean and former top UN diplomat who has experience in engaging with Myanmar's military in the past on humanitarian issues — the junta chief remains adamant in its refusal to grant a request for a visit until he finally relented and met with her in Nay Pyi Taw on 17 August 2022.¹⁰ Even so, the meeting the Dr Heyzer is unlikely to result in any immediate change in the hard stance of the junta chief even as the SAC continued with its air strikes and killings of civilians following their meeting. Much of this stems from the continuing diplomatic isolation of the SAC and Min Aung Hlaing since the ASEAN leaders meeting in April 2021, where the Five-Point Consensus (FPC) was reached but remains unimplemented. Although the UN Special Envoy and the Special Rapporteur have met with several ASEAN officials since the coup, the current stalemate is unlikely to be broken, given the junta chief's continuing defiant attitude towards ASEAN and the international community.

Constraints in UN engagement with Myanmar

Overall, the dominance of the military in Myanmar has remained quite entrenched for more than 60 years. The Tatmadaw's experiment with disciplined democracy over the last decade has failed and for now the democratic transition remains on hold if not terminated. In this regard, the UN's engagement with Myanmar faces several constraints that spring from the Tatmadaw's unwillingness to loosen its grip on power. They include: 1) a significant decline in the military's level of trust in the UN and its mechanisms; 2) its strong adherence to the principle of sovereignty and non-interference; and 3) its strong belief that it is the only institution that can preserve Myanmar's stability and territorial integrity, which makes it unwilling to share power with civilians and democratic forces in the country. Accordingly, it is also willing to take extreme measures, such as the use of force and violence against civilians to preserve and protect its hold on power.

Under the NLD (2016-2020), the Tatmadaw also made it difficult to pursue more substantive democratic reforms in the country, as it opposed initiatives by the NLD government to amend the military-drafted 2008 Constitution that would limit its power, abolish the 1982 Citizenship Law, and give autonomy to areas controlled by ethnic groups under a federal system, among others. In fact, the NLD even failed to abolish the four Protection of Race and Religion laws enacted in 2014 under the USDP, which prohibited inter-marriages between the Buddhist majority population and Muslim minorities in the country and controlled growth of the Rohingya population and populations of other Muslim communities. Afraid of the NLD's efforts to continue pushing for amendments to the constitution after winning by a landslide in the 2020 general elections, the Tatmadaw staged a coup to stop Suu Kyi's party continuing to its second term. Since then, the junta continues to violently suppress anti-coup protests and armed civilian resistance to the military regime. During its Armed Forces Day commemoration in March 2022, Min Aung Hlaing categorically stated that he is prepared to "annihilate" all groups resisting military rule in the country, which have been labelled as "terrorist organizations" by the junta.

The UN and restoring democracy in Myanmar

ASEAN's FPC called for: 1) the immediate cessation of violence in Myanmar; 2) constructive dialogue among all parties concerned to seek a peaceful solution in the interests of the people; 3) mediation to be facilitated by an envoy of ASEAN's Chair, with the assistance of the Secretary-General; 4)

humanitarian assistance provided by ASEAN's AHA Centre and 5) a visit by the Special Envoy and delegation to Myanmar to meet all parties concerned.

Evidently, the Tatmadaw is unwilling to implement the FPC at this stage given the continuing resistance to the military junta more than a year after the coup. It is determined to defy all calls for an end to violence against civilians and will pursue in its own terms the restoration of peace and order in the country. It is also unwilling to engage in dialogue with the NLD and other stakeholders for a peaceful solution to the political crisis. Accordingly, it has set a new round of elections for August 2023, but one that may impose significant restrictions on the participation of the NLD and other democratic forces opposed to the military regime. Thus far, the junta has not allowed the ASEAN Chair, the Secretary-General, and the Special Envoy to engage in mediation between the junta and the anti-coup forces in the country. It also refused requests by the Special Envoy to meet with detained opposition leaders from the NLD who are facing criminal charges. While ASEAN or some of its members may choose to engage with the National Unity Government (NUG) despite strong opposition from the SAC, the junta is likely to further harden its position on the FPC in response to such moves.

Meanwhile, the NUG and other democratic forces have pursued diplomatic efforts to gain recognition as the legitimate government of Myanmar. Despite limited success in gaining international legitimacy, the NUG continues to build trust and support from civilians inside and outside the country who are opposed to the return of military rule. For now, it is the only legitimate alternative to the military junta in Myanmar and needs tremendous support from ASEAN, the UN, and the rest of the international community to succeed in its efforts to gain wider international legitimacy and in exerting pressure on the Tatmadaw to restore the democratic order in the country.

Engaging democratic stakeholders

Given that the junta remains adamant in its refusal to cooperate with ASEAN and the UN in implementing the FPC, it would be more strategic and practical to focus on engaging the democratic forces within and outside the country. Providing moral and material support to their goal of gaining more international recognition and legitimacy for the NUG, for example, could contribute to increasing pressure on the junta to negotiate for a peaceful solution to the political crisis. The NUG, the National Unity Consultative Council (NUCC), EAOs and the Rohingya community must also be encouraged to continue with their participation in an inclusive process of crafting an alternative Myanmar constitution.

The Myanmar diaspora community must also be engaged in this process and encouraged to participate in the rebuilding and restoration of the democratic order under civilian rule. Together with civil society groups, the diaspora community can also contribute to efforts in advocating for protection of human rights and delivery of humanitarian assistance in conflict-affected areas of Myanmar. It can do this by lobbying governments of host countries to exert pressure on the junta by imposing sanctions, recognizing the legitimacy of the NUG, and channeling aid and humanitarian assistance directly to local NGOs in Myanmar.

Finally, the current political crisis has severely affected children and youth in Myanmar. ASEAN and the UN should not only provide humanitarian assistance to this group of vulnerable populations in the country; more importantly it should ensure that they have continuing access to education by providing facilities in sanctuary areas within Myanmar that are controlled by EAOs, as well as along the refugee camps in neighboring countries including Bangladesh, India, and Thailand. The UN should also help in resettling them in third countries that would be able to provide scholarships, especially to those in their tertiary and post-graduate studies. In the long-term, investing in their education ensures that there is no

lost generation of young people in Myanmar because of the continuing crisis which, in the worst-case scenario, may last for a decade.

Key priorities for restoring the democratic order

There are several priority areas for restoring the democratic order in Myanmar, and the UN can help the NUG and other democratic stakeholders in pursuing these in the medium- to long-term. These include: 1) finalizing a draft democratic constitution that embodies a set of principles guaranteeing respect for fundamental freedoms and ensuring the protection of human rights of all people; 2) ensuring representation of various ethnic and religious communities in the restored democratic order; 3) creating a mechanism to address transitional justice issues; 4) protecting the political, economic, and cultural rights of ethnic and religious communities; and 5) abolishing the 1982 Citizenship Law and other discriminatory laws such as the 2014 laws on Protection of Race and Religion.

Apart from engaging with democratic forces in Myanmar in pursuit of the above goals, it is also important to engage reformist elements within the Tatmadaw and other security actors, as well as EAOs that are willing to participate in ending military rule in the country and contribute to promoting substantive democratic reforms. They should also be given access to scholarships that will help them in understanding the importance of supporting a democratic order that guarantees civilian authority over the military, promotes good governance, accountability, and protection of human rights, and promotes adherence to the rule of law, international norms, and commitment to obligations of member states in the UN and ASEAN.

Conclusion and recommendations

The UN has been engaging with the military in Myanmar for decades through the UN Special Envoy, Special Rapporteur, and its Country Team based in Yangon. Difficult as these engagements have been, patience and persistence are the key to making inroads in helping the country overcome various crisis situations over time. The February 2021 coup, however, may be the most challenging crisis not just for the people of Myanmar but for ASEAN and the rest of the international community as well. It has brought widespread suffering across Myanmar in the time of the pandemic, and resistance to the military junta has led to more intense atrocities being committed by the Tatmadaw against civilians. With Min Aung Hlaing determined to “annihilate” all opposition groups he has labelled as “terrorist organizations,” Myanmar may be facing a prolonged civil war that could last a decade.

While the UN may have very limited leverage vis-à-vis the Tatmadaw in ending the violence, pursuing dialogue with all stakeholders, and restoring the democratic order in Myanmar, it should nevertheless persist in its efforts to realize ASEAN’s FPC. This could be pursued by: 1) coordinating with ASEAN in engaging democratic forces within and outside the country for increased recognition of the NUG as the legitimate representative of the Myanmar people; 2) providing moral and material support to the NUG, NUCC, EAOs, the Rohingya community, and the diaspora; and 3) lobbying the UN and ASEAN member states for implementing coordinated sanctions against the junta, channeling humanitarian assistance for affected communities directly to local NGOs in partnership with the UN Country Team, and providing continuing access to education for children and scholarships for youth, military and security sector defectors, and EAOs.

¹ See UN Human Rights Office of the High Commissioner page, “UN Special Rapporteur on the Situation of Human Rights in Myanmar,” <https://www.ohchr.org/en/special-procedures/sr-myanmar>.

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- ² See UN Department of Political and Peacebuilding Affairs page, “Special Envoy Myanmar,” <https://dppa.un.org/en/mission/special-envoy-myanmar>.
- ³ UN Development Coordination Office, “2020 UN Country Annual Results Report Myanmar,” https://myanmar.un.org/sites/default/files/202109/UNCT%20Annual%20Report%202020_Web.pdf.
- ⁴ “UN chief accepts independent report on Myanmar, highlighting ‘systemic’ failure surrounding Rohingya crisis,” UN News online, 17 June 2019, <https://news.un.org/en/story/2019/06/1040681>.
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- ⁶ Kyaw Zin Win, “Suu Kyi Meets with UNSG Special Envoy to Myanmar,” Eleven Media Group, October 18, 2018, <https://elevenmyanmar.com/news/suu-kyi-meets-with-uns-g-special-envoy-to-myanmar>.
- ⁷ Kang Wan Chern, “UN Envoy Visits, Focuses on Human Rights,” Myanmar Times, July 22, 2019, <https://www.mmtimes.com/news/un-envoy-visits-focuses-human-rights.html>.
- ⁸ See OCHA, “Executive Summary of Independent Commission of Enquiry-ICOE,” Relief Web, January 22, 2020, <https://reliefweb.int/report/myanmar/executive-summary-independent-commission-enquiry-icoe>.
- ⁹ See Global Justice Center, “Myanmar’s Independent Commission of Inquiry: Structural Issues and Flawed Findings,” February 2020, https://globaljusticecenter.net/files/20200203_ICOEFact_sheet.pdf; International Commission of Jurists, “Myanmar: Government’s Commission of Inquiry Cannot Deliver Justice and Accountability,” July 9, 2018, <https://www.icj.org/myanmar-governments-commission-of-inquiry-cannot-deliver-justice-or-accountability/>.
- ¹⁰ During her visit to Nay Pyi Taw, Dr Heyzler underscored that her meeting with Min Aung Hlaing in no way signifies recognition of the junta as the legitimate government in Myanmar even though the SAC in its official statement on her visit claimed that this is the case. While she communicated clearly the position of the UN Secretary General on the need to end all violence against civilians and the importance of releasing all political prisoners, including Aung San Suu Kyi, the junta chief remained unrelenting in his position that the anti-coup supporters were the problem in the ongoing crisis in Myanmar. See “Note to Correspondents: Statement by the Secretary-General’s Special Envoy on Myanmar, Noeleen Heyzer,” United Nations Secretary-General, 17 August 2022, <https://www.un.org/sg/en/content/sg/note-correspondents/2022-08-17/note-correspondents-statement-the-secretary-general’s-special-envoy-myanmar-noeleen-heyzer>.

Beyond Five-Point Consensus: What the Region Can Do to Support Myanmar

7 Assisting Myanmar to Return to Normalcy: Policy Recommendations for Cambodia as ASEAN Chair

Pou Sothirak and Sovinda Po

Executive Summary

- The viability of the ASEAN FPC needs to be examined if the regional organization wants to be in the "respectable driver's seat" of the Myanmar crisis.
- ASEAN has yet to convince the junta to wholeheartedly honor its commitment to immediately halt all violence, engage all parties concerned in constructive dialogue to seek a peaceful solution in the interests of the people, facilitate mediation of the dialogue process with the assistance of the ASEAN Secretary-General, and provide humanitarian assistance to vulnerable populations.
- The junta's non-committal and non-cooperative attitude has prohibited the implementation of the FPC. If these conditions continue, ASEAN's credibility will be in question unless the bloc can redefine its strategy to operationalize the FPC beyond the continued ban on the junta's political representatives from future ASEAN summits.
- The main purpose of Hun Sen's visit to Myanmar was intended to create conditions for further dialogue about the implementation of the FPC. In addition to sending officials to Myanmar, Cambodia also initiated the Consultative Meeting on ASEAN Humanitarian Assistance.
- The meeting focused on three agendas: (1) the ASEAN humanitarian assistance delivery arrangement framework; (2) addressing the operational challenges of the delivery of humanitarian assistance; and (3) the framework for Covid-19 vaccine administration in Myanmar.
- Despite Cambodia's various efforts to resolve the crisis, citizens of ASEAN nations, and particularly Burmese, have conflicting views on whether the regional organization chaired by Cambodia has been effective in dealing with the junta.

Introduction

The military coup in Myanmar on February 1, 2021 sent choking ripple effects throughout the globe and created serious distress for ASEAN. Formidable efforts are needed to restore Myanmar's elected government led by Ang San Suu Kyi, who enjoyed a very short period of democratic transitions and reforms. Unless the political crisis, which led to the outbreak of violence and indiscriminate killing of innocent civilians returns to normal, ASEAN's raison d'être is at stake. However, reversing military rule in favor of democracy is no small matter, as stripping power from the junta requires all that ASEAN has and more.

ASEAN struck a deal with Senior General Min Aung Hlaing on April 26, 2021 at a special meeting in Jakarta. ASEAN's peace plan, known as the Five-Point Consensus (FPC), is a step in the right direction, indicating the bloc's sincere intention to assist the member state in distress. However, the real hurdle is how to implement the FPC in its entirety, given there has been no sign to date that the junta would honor its commitment as the situation on the ground continues to deteriorate. ASEAN must succeed in assisting Myanmar return to the path of progress and stability and allow the country to resume its

process of integration into the ASEAN family. Losing Myanmar would make ASEAN incomplete and insignificant. The regional organization's credibility is in question as so far Min Aung Hlaing has continued to defy the FPC while the situation on the ground remains volatile, with a brutal nationwide crackdown aimed at suppressing the millions opposed to military rule.

As Chair of ASEAN this year, Cambodia must rally all other eight ASEAN member states to effectively implement the FPC, while considering all other concerns expressed by domestic and international stakeholders. It won't be easy, but the FPC is all that ASEAN has. If Cambodia fails, ASEAN will fail, and Myanmar will lapse back into isolation under military rule forever.

The purpose of this policy paper is to evaluate the existing approaches, particularly the FPC, to provide policy recommendations to Cambodia as the incumbent Chair of ASEAN. The policy recommendations intend to achieve three objectives: (1) push for effective implementation of the FPC; (2) restore ASEAN credibility; and (3) assist Myanmar to return to normalcy.

Key issues

This section evaluates the approaches ASEAN has adopted since the coup took place, which include various strategies that attempt to ameliorate the Myanmar crisis. The approaches can be divided into two categories: policy engagement and actual engagement.

Policy engagement has revolved around the FPC, which ASEAN and Myanmar agreed to implement. Since the Myanmar military coup in February 2021, the Myanmar issue has become the most contentious among ASEAN members. Brunei, which was ASEAN Chair in 2021, released a statement on February 1 of that year urging all conflicting parties in Myanmar to pursue peaceful means and avoid violence. However, there was no agreed mechanism for how to deal with the crisis until late April 2021, when ASEAN reached common ground and established the FPC, which was later agreed to by the junta.¹

The FPC provided five guiding mechanisms to be enacted to help Myanmar return to normalcy: (1) ceasefire by all conflicting parties; (2) constructive dialogues that serve the interest of the people; (3) the appointment of the ASEAN Special Envoy who will help to facilitate the dialogue process; (4) humanitarian assistance that should be provided through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre); and (5) ASEAN's Special Envoy and delegation shall meet all conflicting parties.² Prior to the ASEAN Summit on April 24, Indonesian Foreign Minister Retno Marsudi travelled to most ASEAN member states and talked with their respective foreign ministers regarding the solutions to the Myanmar crisis.³ Despite this, hope had waned after coup leader, Senior General Min Aung Hlaing, reiterated a few days after the ASEAN Summit that the FPC would be carried out only when peace and stability had been maintained.⁴

For the junta, committing to the FPC would mean losing power and giving the upper hand to Myanmar's shadow government, the National Unity Government (NUG), which was formed by former National League for Democracy (NLD) members. The NLD won a landslide victory in the early 2021 national election.⁵ The FPC would help to legitimize the NUG as an alternative to the military government, despite the fact that the junta has labelled the NUG a "terrorist group."⁶ More fundamentally, the FPC is obviously to help Myanmar return to its previous democratic track which was led by a civilian government.⁷

Regarding ASEAN's actual engagement, there were attempts to implement the FPC after its release. When Cambodia became ASEAN Chair in 2022 it became the main actor for attempting to solve the

Myanmar crisis. In early January, Cambodia's Prime Minister paid his first official visit as ASEAN Chair to Myanmar to meet with coup leader Min Aung Hlaing. The main purpose of Hun Sen's visit to Myanmar was intended to create conditions for further dialogue about the implementation of the FPC.⁸ However, the visit was not without controversy. Some ASEAN leaders felt strongly that unless the situation on the ground improved, the junta should not be permitted to participate in ASEAN meetings. They were concerned that the visit may have conferred some legitimacy to the junta and given off signs of intra-ASEAN discord.⁹

With Cambodia as Chair, Cambodia's Special Envoy to Myanmar, Prak Sokhonn, also made his first visit to the country in March 2022. The Envoy claimed that his first visit was only to "open the window to let in the light," meaning to seek common ground for future reconciliation.¹⁰ The discussion was centered on humanitarian assistance delivery to vulnerable populations. Prak Sokhonn was not permitted to meet Aung San Suu Kyi and other opposition members, thus there was no substantial progress during this first visit. At the time of writing, Prak Sokhonn is expected to visit Myanmar again in June. As with his first visit, he will not be permitted to meet Aung San Suu Kyi and other opposition members. On June 9, 2022, Kung Phoak, Head of the Office of the Special Envoy, paid another visit to Myanmar and met with its Minister for Foreign Affairs, U Wanna Maung Lwin. During the meeting, Myanmar reassured Cambodia of its willingness and commitment to effectively implement the FPC.¹¹

In addition to sending officials to Myanmar, Cambodia also initiated the Consultative Meeting on ASEAN Humanitarian Assistance. In May 2022, ASEAN Special Envoy Prak Sokhonn and ASEAN Secretary-General Dato Lim Jock Hoi cochaired the meeting with participants from all ASEAN states, along with other international organizations working on Myanmar. The meeting focused on three agendas: (1) the ASEAN humanitarian assistance delivery arrangement framework; (2) addressing the operational challenges of the delivery of humanitarian assistance; and (3) the framework for Covid-19 vaccine administration in Myanmar.¹² According to Cambodia's Ministry of Foreign Affairs and International Cooperation, the Myanmar Task Force agreed to speed up the delivery of humanitarian assistance and provide vaccines to all Burmese people, including those in Ethnic Armed Organizations (EAOs). It also proposed a 50-50 joint task force to monitor vaccine distribution.¹³

Despite Cambodia's various efforts to resolve the crisis, citizens of ASEAN nations, and particularly Burmese, have conflicting views on whether the regional organization chaired by Cambodia has been effective in dealing with the junta. Regarding the ASEAN approach towards Myanmar, the State of Southeast Asia Survey Report 2022 shows that among 517 respondents, 33.1% either "strongly disapprove" or "disapprove," while 37% "approve" and "strongly approve," and 29.9% remain "neutral."¹⁴ Meanwhile, among 350 Burmese respondents, 61.1% "strongly disapprove" and 17.7% "disapprove."¹⁵ The reasons given include the slow response towards the violent conflict and escalation of conflict, the soft stance towards the Tatmadaw, and the disengagement of key stakeholders in the country and at the international level.¹⁶ According to some scholars, Hun Sen's visit was viewed as Cambodia trying to legitimize the military junta, which disappointed some ASEAN member states, particularly Malaysia and Indonesia.¹⁷

From the Cambodian perspective, the above initiatives indicate that Cambodia's purpose was trying to solve Myanmar's crises one at a time, rather than all at once. The top priority was to achieve a ceasefire, as without one the Cambodian government believed that the conditions for development would be futile. As Prime Minister Hun Sen stated, "anyone who opposes the ceasefire in Myanmar would merely want to see death and injury in Myanmar."¹⁸ The view from Cambodia was that Hun Sen's two-day trip to Myanmar was a success because the junta agreed to maintain a ceasefire from February to December of 2022.¹⁹ However, due to Cambodia's minimal influence on Myanmar as ASEAN Chair, and ongoing

internal resistance from various anti-coup groups, the junta did not fulfill its promise as the fighting continues.²⁰ Furthermore, although it was intended to press the junta to accept the ASEAN FPC, without improvement of the situation on the ground, Cambodia risks being misunderstood as legitimizing Senior General Min Aung Hlaing's government through this visit.²¹ Cambodia should press forward and meet with all conflicting parties to work towards a ceasefire. A ceasefire cannot happen when so much mistrust among the belligerent forces inside Myanmar remains.

Policy recommendations

This section provides several policy recommendations for Cambodia as ASEAN Chair to assist Myanmar to return to normalcy and to restore ASEAN credibility. We have structured the recommendations into three themes.

1. How to push for implementation of the Five-Point Consensus

Now that the Special Envoy is in full operation, ASEAN needs to empower the Envoy with an enforceable strategy comprising well-defined tasks and well-thought-out plans. It should be backed up by a contingency strategy and appropriate human resources on the ground that are equipped with a flexible approach. ASEAN can't afford to depend on mere "peer pressure" from all other member states. Instead, ASEAN should send a clear signal to the Tatmadaw that it can't remain idle while pretending that nothing is happening in Myanmar, and it must be allowed to proceed with what has been agreed to in the FPC, including being granted access to all stakeholders on the ground and permitted to assist in the delivery of humanitarian assistance.

ASEAN should have a proactive strategy and remain resolutely firm to induce Min Aung Hlaing to comply with the FPC. If he does not, the bloc should not hesitate to inform the coup leader that ASEAN and the international community will take appropriate actions, including applying necessary pressure on the junta. ASEAN should call for an assessment of whether Myanmar under the junta can remain a responsible member of the bloc when its actions on the ground undermine ASEAN's core principles. If the junta continues to reject the FPC, ASEAN should consider suspending Myanmar's ASEAN membership.

The Special Envoy and their team should consider all factors that could contribute to a more effective method of resolving the dire situation on the ground and stopping the violence and killing to help Myanmar return to normalcy. The successful implementation of the FPC can only materialize if a more proactive role is taken by the UN Special Envoy, who has been consulting closely with the ASEAN Chair and ASEAN Special Envoy. There also needs to be greater contribution from other special envoys or representatives from neighboring countries and trading partners, along with ASEAN Dialogue Partners (e.g. China, Japan, Thailand, the EU). The need for more nations beyond ASEAN member states to contribute to resolving the Myanmar crisis has led to calls for an "ASEAN Plus" strategy, which would also assist the full implementation of the FPC.

To succeed in its implementation, all other eight ASEAN member states should support Cambodia's efforts to encourage the junta to cooperate. To secure a greater chance for the FPC's success, ASEAN needs to closely cooperate and consult with all relevant major powers such as the UN, the US, China, Russia, the EU, Japan, Australia, and others that can influence the junta to accommodate ASEAN's peace plan.

2. *How to restore ASEAN credibility*

ASEAN credibility can be restored and enhanced only when the below conditions are fulfilled:

- ASEAN is able to convince the Tatmadaw to reduce or stop the violence between the security forces and civilians, and violence between EAOs and the security forces.
- ASEAN is able to effectively implement ceasefire agreements among all parties to armed conflicts and remove all military forces from urban population centers, while strictly prohibiting the use of lethal force and violence against the civilian population and protesters.
- On the question of legitimacy, ASEAN must tread this aspect very carefully. Supporting the junta's call for re-election in the foreseeable future would mean that ASEAN rejects the legitimacy of the last general election.
- ASEAN must take into consideration the important roles of all stakeholders who are belligerent actors against the junta. In particular, ASEAN should not ignore the calls for help from the overwhelming majority of the Myanmar people, who are fiercely resisting the brutal force exerted by the Tatmadaw on the streets every day. ASEAN should also appropriately factor in other national stakeholders because the domestic situation is very important for a lasting political solution.

3. *An effective plan and strategy for dealing with the Tatmadaw*

ASEAN has been criticized for its slow and problematic handling of the Myanmar crisis. However, no other international or regional body has formulated a better peace plan than ASEAN, at least to date. Therefore, ASEAN's FPC remains the most viable option for helping to ease the Myanmar crisis.

According to the FPC, the Special Envoy needs to achieve three tasks: (1) help stop violence; (2) deliver humanitarian assistance; and (3) help foster dialogues among all relevant parties in Myanmar. To properly handle these tasks, ASEAN needs coherent plans to support the ASEAN Special Envoy, with clear terms of reference and an attainable strategy. To improve the Special Envoy's chance of success, ASEAN needs to follow these key steps:

- a. The Special Envoy should have a comprehensive structure to undertake their mission, including a broad mandate to ensure they can succeed in fostering inclusive dialogues in Myanmar. ASEAN needs to thoroughly discuss with the nine member states how to operationalize the FPC while considering all available options on the ground.
- b. It would be wise for Cambodia to closely cooperate with other ASEAN member states to develop comprehensive mission plans for the Myanmar crisis. Consultation with key stakeholders is required to formulate an achievable mission plan to implement the FPC, including creating necessary mechanisms to ensure all set objectives can be executed and monitored. For example, an ASEAN monitoring team needs to be established in Myanmar to monitor all conflicting parties' compliance with the ceasefire, if and when a ceasefire is adopted by all stakeholders.
- c. Once a wholistic mission plan is formulated, the Special Envoy should consult not only with the Tatmadaw but also with other parties, including the NUG and EAOs, as well as with other external powers such as China, Russia, and India, which have real leverage to pressure the junta.
- d. Cambodia should explore the possibility with other ASEAN member states of engaging with anti-junta movements such as the NUG, the Committee Representing Pyidaungsu Hluttaw

(CRPH), and EAOs, to gain better leverage in forcing the junta to accept the implementation of all objectives agreed to in the FPC.

- e. ASEAN must be resolute and united in its engagement with the Tatmadaw to stop the violence and use of lethal weapons against unarmed civilians; to agree to an immediate halt of violence; and to engage in dialogue with all domestic stakeholders.
- f. ASEAN also needs to rethink the idea of “ASEAN centrality,” and whether the pillar of ASEAN’s political security principle – premised around a rule-based, people-oriented, people-centered community in which citizens should be free to enjoy democracy, human rights, fundamental freedoms, and social justice – can effectively be applied to the junta.
- g. ASEAN’s principle of non-interference among member states needs to be recalibrated if the grouping wants to be able to deal effectively with the Tatmadaw. ASEAN should not adopt a business-as-usual approach to the political crisis in Myanmar, which has led to an influx of refugees, an increase in violence and crime, and the destabilization of regional peace and security. ASEAN must uphold all the principles described in the ASEAN Charter, especially those pertaining to peace-oriented values such as principles of democracy, the rule of law, and good governance, as well as respect for and protection and promotion of human rights.

Conclusion

The viability of the ASEAN FPC needs to be examined if the regional organization wants to be in the “respectable driver’s seat” of the Myanmar crisis. Following the deadly unrest and military coup in February 2021, it appears that up until the present day the regional bloc has only urged Myanmar’s military to follow a five-point “consensus,” which it agreed to at a crisis meeting of ASEAN leaders in April 2021. The ASEAN Special Envoys and delegations have been permitted to visit Myanmar to meet with the coup leader and some of the parties concerned, but not with all stakeholders. Other aspects of the FPC have not yet been able to gain any traction on the ground. ASEAN has yet to convince the junta to wholeheartedly honor its commitment to immediately halt all violence, engage all parties concerned in constructive dialogue to seek a peaceful solution in the interests of the people, facilitate mediation of the dialogue process with the assistance of the ASEAN Secretary-General, and provide humanitarian assistance to vulnerable populations. The junta’s non-committal and non-cooperative attitude has prohibited the implementation of the FPC. If these conditions continue, ASEAN’s credibility will be in question, unless the bloc can redefine its strategy to operationalize the FPC beyond the continued ban on the junta’s political representatives from future ASEAN summits. Overcoming the junta’s intransigence demands that ASEAN reinvents itself to add more muscle to the FPC and to garner serious commitment from key countries to develop a clear, timebound approach. This approach needs to be backed by targeted sanctions, such as the suspension of Myanmar’s membership or other appropriate penalties to press the junta to accept the FPC in full.

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² Association of Southeast Asian Nation, “Chairman’s Statement on the ASEAN Leaders’ Meeting,” 24 April 2021 and Five-Point Consensus,” April 24, 2021, <https://asean.org/chairmans-statement-on-the-asean-leaders-meeting-24-april-2021-and-five-point-consensus-2/>.

³ CAN, “Indonesia and Malaysia to Continue Cooperation on Combatting Palm Oil Discrimination,” February 5, 2021, <https://www.channelnewsasia.com/asia/malaysia-muhyiddin-indonesia-jokowi-palm-oil-discrimination-322191>.

⁴ Bhavan Jaipragas, “Myanmar’s Junta to Consider Asean’s Five-Point Consensus After ‘Stabilising’ the Country,” South China Morning Post, April 27, 2021, <https://www.scmp.com/week-asia/politics/article/3131248/myanmars-junta-consider-aseans-five-point-consensus-after>.

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8 Indonesia's Democracy Assistance to Myanmar: A Bottom-Up Approach

Abellia Anggi Wardani

Executive Summary

- Indonesia is arguably politically well-placed to assist Myanmar's democratization, especially through lessons learned from Indonesia's transition from a military ruled country to a democracy, and the achievement of its current civil-military relations. However, considering Indonesia along with ASEAN's stalemate in dealing with the Myanmar crisis, it is crucial to seek an alternative approach to resolve the issue.
- Three reasons Indonesia is well-placed to assist democracy in Myanmar from below: Indonesia could provide best practices of its peace processes; through its grassroots non-state actors, Indonesia has established networks and communities in Myanmar while carrying out humanitarian projects; two countries share cultural affinities thanks to centuries long of trade ties.
- In principle, to enable democratization, a conducive arena accommodating diverse structures and actors needs to be established. In the case of Rakhine State, building a multi-stakeholder network to perform as a peace broker could provide a social arena that allows equal access to desirable resources and outcomes.
- Nevertheless, perceptions of democracy could vary across communities in Rakhine depending on the availability of information. As it could be challenging to approach diverse communities, especially those engaging in informal livelihoods, efforts to introduce democracy need to be adjusted to societal contours.
- Going forward, to contribute to a society's ability to achieve sustainable peace, democracy building policy and actions need to speak the language of the people at the grassroots level.

Introduction

The Myanmar military coup of 2021 and the following political and humanitarian crisis have arguably reversed the hard-won democratic achievements in the country over the last decade. It has dismantled many democratic institutions, renewed armed conflict, and sparked new waves of violence, as the military consolidated its control through brutal oppression of pro-democratic forces. Combined with the devastating impact of the Covid-19 pandemic, the coup in Myanmar has led to massive human suffering.

Transition to democracy is always a critical period where power needs to be diffused through decentralization and strengthening of local authorities and communities so they become resilient to authoritarianism. Indonesia has gone through its own turbulent democratic transition, which was stunted by Suharto's loyalists trying to regain power by using ethnic issues to create horizontal conflicts.

Various studies have argued that Indonesia is politically well-placed to assist Myanmar's democratization, especially through lessons learned from Indonesia's transition¹ from a military ruled country to a democracy, and the achievement of its current civil-military relations.² However, considering Indonesia's rather negative outcomes from this transition, along with ASEAN's stalemate in dealing with the Myanmar crisis,³ it is crucial to seek an alternative approach to resolve the issue. While maintaining pressure and imposing sanctions on the junta wherever possible, ASEAN and Indonesia should shift some of their attention to rebuilding capacities and fostering an environment for future democracy, especially at the grassroots level.

This paper will highlight three reasons Indonesia is well-placed to assist democracy in Myanmar. First, Indonesia could provide best practices of its peace processes in resolving intercommunal conflict during the democratic transition. Second, through its grassroots non-state actors (non-government organizations, NGOs), Indonesia has established networks and rapport with communities in Myanmar while carrying out diverse humanitarian projects. These networks have the potential to become key instruments to extend Indonesia's support for Myanmar's democratization from the bottom up. Moreover, the two countries share cultural affinities, as both were part of the ancient trade routes dating back as early as 400 BCE that connected the Bay of Bengal and the Java Sea. This influenced their respective language, traditions, and culture, which fosters a feeling of sameness and sense of belonging.⁴ These similarities have not yet been included in any narratives exploring Indonesia's well-placed position to lead the efforts to return Myanmar to normalcy.

This paper explores a two-pronged strategy for Indonesia's democracy assistance in Myanmar. First, the Indonesian government should give more attention to long-term, community-based efforts that can promote social cohesion and peaceful coexistence through support in building multi-stakeholder networks. As intercommunal tension continues to be the major challenge for democratic transition in Myanmar, interventions to strengthen a culture of dialogue, reconciliation, and conflict mitigation could support sustainable political stability.

Second, the Indonesian government can provide democracy assistance by strengthening existing informal institutions linked to local and cultural dimensions, to supplement formal institutions in stabilization efforts in subnational conflict areas in Myanmar. Since formal institutions are often perceived as politicized in the aftermath of crises, informal structures – such as marketplaces and faith-based structures – can serve as alternative avenues to familiarize citizens with new political transitions. They can also strengthen post-conflict societies to become resilient and adaptive.

In carrying out this strategy, the Indonesian government can leverage networks and capacities that have been built by its NGOs and humanitarian organizations operating in Myanmar by building multi-stakeholder networks that address common issues. Through these networks, Indonesia could help implement programmatic interventions through local organizations to ensure greater access, acceptability, and trust-building between the public and institutions.

Myanmar's challenges in moving towards stable democracy

During British colonial rule, Burma was divided into administrative factions and never ruled as one entity. There was a clear distinction between areas inhabited by the ethnic majority Bamar and non-Bamar in the borderlands. These areas received less control and became the sites of enduring conflict. After Burma achieved independence, the country spiraled into civil war. As recorded by various scholars, leaders from the borderlands sought independence. Shortly thereafter conflict broke out

between the state and various ethnic groups.⁵ This political arrangement, in effect for 66 years, has been the main challenge in moving towards democratization.⁶

The prolonged violence along with the most recent military coup in 2021 saw the deaths of thousands of civilians and armed combatants. Presently, it is difficult to see an outcome in which the military regime voluntarily relinquishes its power and restores the pre-coup status quo. The goal should be establishing more long-term, community-based efforts for Myanmar that can promote social cohesion and peaceful coexistence to equip its communities to withstand future crises.

While the problem is complex, Indonesia could redirect its attention and focus only on two main challenges. First, the problem related to the State's Burmanization policy, which has caused latent intercommunal tensions and ethnic conflicts in subnational areas. Many have pointed out that subnational conflicts in Myanmar shared similar root causes but were shaped and reshaped through different political dynamics. Therefore, finding one solution to fit them all would simply perpetuate the idea of uniform ethnicity for all. Nevertheless, efforts to bring parties to dialogue resulted in a loose National Ceasefire Agreement (NCA), which in turn could not guarantee stability let alone stop the violence. The conflicts in subnational areas are not necessarily a by-product of the recent coup, therefore the solution needs to go beyond power sharing.

Attempts to reconcile the factions were also the main objective of the National Unity Consultative Council (NUCC), which was formed in April 2021 by a range of actors such as the National Unity Government (NUG), the deposed elected legislature (the Committee Representing the Pyidaungsu Hluttaw, or CPRH), the Civil Disobedience Movement, Ethnic Armed Organizations (EAOs), as well as a diverse network of human rights activists. The National Unity Consultative Council (NUCC) is a mechanism to solidify the democracy movement in Myanmar through inclusive and practical dialogue. Despite its virtuous goal to offer the aspiration of a "federal democratic union" as a priority,⁷ the dialogue mechanism could risk worsening the situation and lead to greater chaos and violence if the proper groundwork for sustainable peace is not done first.

Second, during the current instability and absence of legitimate authority, most ethnic communities view the state as discriminatory. It has become even more challenging to rely on any formal institution as any governance entity is perceived as an enemy. Meanwhile, current strategies to support democratization in Myanmar tend to focus only on political reform and are limited to a one-track initiative. Not enough attention has been given to asserting strategies to resolve Myanmar's embedded economic and social problems along with its democratic transition. Indonesia exemplified best practices in rebuilding societies through its recovery and development acceleration plan in the aftermath of the communal conflicts, while also enabling room for collaboration between state and non-state actors.

The Indonesian case studies that will be reviewed here are Aceh, Poso, Papua, and Maluku, to help shed light on how Myanmar can address its current political turmoil and be guided towards democracy. Moreover, a particular focus will be given to Rakhine State as one of the most contested areas with diverse coexisting ethnicities. It is also home to the biggest Muslim population in Myanmar, which experienced ethnic cleansing in 2017.

Multi-stakeholder networks to build long-term stability

Indonesia's transition period is marked by the fall of President Suharto in 1998. After more than three decades of authoritarianism, the General was forced to step down because of student demonstrations that succeeded in bringing the country closer to democracy. However, as in many other countries, the transition period saw violent reactions.

The case of Indonesia's democratization process required more than political reform. For example, it needed the democratization of social and economic spheres, as elections would be meaningless without significant improvement in other aspects.⁸ A developing country at the time, it was comparable to present day Myanmar, as before the coup Myanmar was considered politically democratic but with severe socio-economic disparities.

Demographically, 28.5% of Myanmar's population live in urban areas while 71.5% reside in rural areas.⁹ Most areas comprise low-income populations working in the agricultural sector, with a lower interest in and understanding of democracy due mostly to limited access to information. Inevitably, this has hindered stability and caused regression in Myanmar, making the country vulnerable to conflicts.

To enable democratization, a conducive arena accommodating diverse structures and actors needs to be established. In the case of Rakhine State, building a multi-stakeholder network to perform as a peace broker could provide a social arena that allows equal access to desirable resources and outcomes. Thus, the purpose of the multi-stakeholder network is to provide a space for representatives from different groups that would be willing to engage in peace-oriented transformation.

Consolidating opposing parties is a significant challenge. For example, asking the Arakan Army (AA), the most prominent EAO in Rakhine, to sit together in a forum with representatives of the Tatmadaw without necessarily discussing power sharing is difficult to achieve. Since its establishment the NUCC has experienced this scenario,¹⁰ as AA still refuses to join the consultative body.

In Indonesia, Lembaga Ilmu Pengetahuan (Indonesian Institute of Sciences) has led a similar approach by building the Jaringan Damai Papua (Papua Peace Network). Its purpose is to promote dialogue as a means to resolve conflict in the province's most active conflict area, by engaging with both grassroots level actors and the central government.¹¹ The network's main objective is to achieve a common goal of "Papua as Land of Peace." It sets aside sensitive issues to focus on improving the lives of the people and preventing future human rights violations by building strong and solidified communities. This approach is also known as "*makan bubur panas*," a locally-inspired strategy in carrying out peace initiatives, which likens the process to the act of eating hot porridge. The idea is to start by eating around the cooler edges of the bowl, meaning the less sensitive topics, before mentioning, discussing, and addressing the hot center of the bowl, or the main topic.¹²

Similarly, in Rakhine State, attempts to consolidate political views have failed for the past seven decades, and instead taken a toll on the safety and security of the people in the name of the struggle for freedom. It might seem almost impossible to imagine any parties backing down, let alone giving up on their decades-long political struggles. However, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in Northern Sumatra took many observers by surprise when the insurgent group accepted the Indonesian government's peace proposal, even though it did not include any clauses for GAM to exercise its wish to be independent from Indonesia.¹³ It is important to note that the signing of the peace memorandum was preceded by an intensive trust building process among diverse stakeholders, which comprised mediated sessions and tight negotiations on the agreement's general provisions.

In the case of Rakhine, the first challenge would be to identify the entry point and a common peace-oriented goal that could bind diverse and opposing interests. At first, persuading groups to step into a sphere of dialogue could risk growing internal distrust and the formation of factions. This initiative would require a figure who is relatively accepted, or at least not deeply hated, by any party to facilitate the network's establishment. The process of building the Papua Peace Network relied heavily on two figures, a local Papuan and a non-local Papuan, who had both studied the province intensively for years. These two prominent actors became peace brokers, mediators, and guarantors that by engaging with the network, stakeholders could maintain their political stance while cooperating on other issues for the betterment of the communities. All these activities were crucial for gaining more support from the communities and showcasing the projected future under the governance of the two actors.

To initiate the multi-stakeholder network, Indonesia's entry point could make use of the roles of Indonesian NGOs currently operating in Rakhine State, in collaboration with local Myanmar organizations. As most of the NGOs are primarily engaged in humanitarian assistance, they need to gradually move to assist development and the peacebuilding process.¹⁴

In Poso, Central Sulawesi, NGOs began by distributing emergency aid to conflict areas. This could be replicated by Indonesian organizations in Myanmar to gain trust before moving towards reconciliation.¹⁵ As the crisis in Rakhine is not only related to humanitarian needs but also to the power struggle, Indonesian NGOs could make use of their access and network to initiate multi-stakeholder networks that promote the idea of peaceful coexistence as one of the elements of a pluralistic society in a democracy. As an entry point, the word "coexistence" could change the narrative and societal perceptions of the situation, as it would be too soon for the introduction of the word "peace."¹⁶

While trying to find a compromise for both the AA and Tatmadaw, this multi-stakeholder network could focus on achieving transformation by initiating dialogue to understand and address each party's needs.¹⁷ With the help of a third party, this network could introduce mediation as a key instrument to transform the current condition of non-communication between the conflicting parties and transform the hostile situation. Mediation allows parties to find an agreement regarding the way conflicts are expressed, search for mutual interests, and understand justice from both perspectives.¹⁸

Indonesian organizations such as Aksi Cepat Tanggap (humanitarian assistance, ACT), Dompot Dhuafa (Islamic organization focusing on humanitarian assistance), Walubi (Buddhist organization based in Indonesia), and MuhammadiyahAid (aid initiative of the Islamic organization Muhammadiyah) have been involved in the issues of Rakhine State since the outbreak of violence in 2012. These organizations focused on humanitarian assistance in the aftermath of violence to alleviate the Rohingya crises of 2012 and 2017.

It is also important to note that the Indonesian government has provided direct humanitarian assistance through the construction of two schools and a hospital in Rakhine State. Indonesian Minister of Foreign Affairs H.E. Retno Marsudi's visit to Rakhine in 2017, which was partly to inaugurate the schools, relayed the importance of Myanmar to Indonesia. The Foreign Minister also met with the then State Counsellor, Aung San Suu Kyi, to introduce the newly formed humanitarian network to assist Myanmar, *Aliansi Kemanusiaan Indonesia untuk Myanmar* (Indonesian Alliance for Myanmar). The alliance comprises 11 humanitarian organizations that prioritize four issues: education, health, livelihoods, and relief, in accordance with the recommendations of the Advisory Commission on Rakhine State's report.¹⁹

ACT and MuhammadiyahAid still operate in Myanmar, with the latter starting to shift from humanitarian assistance to peacebuilding initiatives. For example, in 2019 MuhammadiyahAid, the Indonesian Embassy in Yangon, and a local organization, the Centre for Social Integrity (CSI), hosted a four-day workshop on pluralism and social cohesion. This initiative enabled traditionally segregated communities to seek peace through dialogue and became exemplary as it showed synergy among state, local, and non-state actors.

In 2020, MuhammadiyahAid continued its cooperation with CSI to build a community learning and vocational center. The project aimed to foster interactions between Muslim and Buddhist communities. It supported the establishment of an interreligious committee, trained locals on social cohesion, and organized frequent meetings among village leaders. The committees that came out of this initiative could develop into a multi-stakeholder network to address bigger problems in their communities. As discussed earlier, the challenge would be to start engaging with the EAOs, the military government, and the representatives of the National League for Democracy (NLD), possibly through the NUCC mechanism. The priority should be finding the right prominent, open-minded figure who is acceptable as a mediator by all if not most parties.

It is also worth considering the involvement of an NGO as mediator, which could act impartially but would not be too distant from the communities involved. The NGO's acceptability would be rooted in connectedness and trust and could have a positive role in transforming conflict. The establishment of a multistakeholder network and support from a third-party mediator is crucial for the consolidation of democratic leadership and important in the struggle for democracy during the transition period. These initiatives could pave the way to get as many people as possible involved in potential "schools of democracy," where people are taught to be aware of the importance of freedom of expression, respect for basic rights, and moving towards free, independent, and pluralistic media provided by local networks.

In the case of the fight for independence in Aceh, the mediation between GAM and the Indonesian government was initiated by the Henry Dunant Centre for Humanitarian Dialogue (HD) and continued by the Crisis Management Initiative (CMI), a small NGO led by Martti Ahtisaari, a former president of Finland. The two non-state actors contributed to peacebuilding and maintaining long-term stability in Aceh that has lasted to this day. Indonesian organizations have the potential to mediate in Rakhine, despite not being perceived as impartial because most of the country's population identifies as Muslim. Indonesia's G20 presidency in 2022 and strong influence in ASEAN and beyond could become the key for Indonesian NGOs to compensate for the perceived impartiality by increasing acceptance and trust on the ground.

Strengthening informal practices and structures: the roles of non-state actors

Indonesia and Myanmar share similar cultural and societal practices. For instance, both countries have an oral tradition of passing down wisdom and heritage, while an agreement is usually made verbally without the need for it to be written. An oral tradition influences societal dynamics and highlights the relationship between collective memory and a collectivist culture, in which an individual's identity is drawn from their collective identity. In efforts to build peace from below, this practice can be translated into how peace is built through oral agreements that precede a written peace agreement, such as in Rakhine's Nationwide Ceasefire Agreement (NCA).

At the grassroots level, Indonesia has arguably better leverage than other countries in Rakhine as it is known in the area not for political maneuvers, but cultural affinity in everyday life. For example, for generations Indonesian batik has been the staple cloth for female Burmese, as Myanmar's coastline was part of a trade route connecting the Indonesian archipelago to the trade center of Gujarat in India. Another example is Rohingyas and Muslims share a common interest in football; enthusiasts often gather in teashops to watch matches together and chant "Indonesia." Further, students who have completed their basic education in Central Java, Yogyakarta, and East Java are likely to have studied the old Javanese script, which would enhance their understanding of the Burmese language as both share the same script and articulation. Through centuries of trade ties, Indonesia is culturally closer to most of Myanmar compared to other ASEAN member states.

Nevertheless, perceptions of democracy could vary across communities in Rakhine depending on the availability of information. As it could be challenging to approach diverse communities, especially those engaging in informal livelihoods, efforts to introduce democracy need to be adjusted to societal contours. For example, during grassroots level conflict resolution in Ambon, East Indonesia, communities engaged in informal economic exchanges in the borderlands that separated the island along religious lines. Communities contributed to rebuilding trust through cooperation to achieve a common goal and made use of border trade points as information centers.²⁰

In the case of Rakhine, where communities engage in interreligious cooperation and living arrangements, village markets show positive trends towards overcoming the challenges posed by diversity of identity and political goals. As the AA and Tatmadaw have expanded their presence in Rakhine State, engaging with the NUCC, which has not been endorsed by any party, could be dangerous. To align with the main argument of this paper, which is the need to set aside political differences for dialogue to occur, social cohesion can be developed through organic mechanisms of economic exchanges wherever interreligious and interethnic contact has occurred. Trust will be (re)built among parties through the act of listening to and understanding each other. Messages of peace are most powerful if conveyed through direct in-person conversation. The forging of such ties should be a preliminary step to prepare the ground for more comprehensive peacebuilding efforts to be carried out and accepted at the grassroots level.

The same approach as the one taken in Ambon can be implemented in Rakhine, where an informal structure such as a village market provides interethnic and interreligious communities a space that mirrors the elements of a democracy. At a market, people have the same rights and freedom to achieve their goals and express their opinions. Despite their limitations, communities that engage with a market eventually have to learn to associate with others and understand that the size of a population does not necessarily represent power unless supported by other types of capital, such as economic or social capital.

The marketplace has long been known as the heart of a society, especially of rural ones.²¹ It is an arena of social interactions where people congregate and discuss ideas. It is also perceived as a place that fulfils the need for an informal public space where news can be exchanged. Recent studies on the role of marketplaces in Northern Shan found that the network of actors involved in economic exchanges reveals that they are interdependent and share common goals.²² Such advantages can be seen in the ways in which mobile sellers negotiate with members of EAOs to ensure safe access to controlled villages.

Similarly, Indonesian NGOs could extend their peacebuilding roles by initiating projects that will enable more interactions in informal spheres that involve the common goal of fulfilling everyday needs. Allowing an organic space for intercommunal contact to help recast trust between the Rakhine and Rohingyas will contribute to cementing the idea of a pluralistic society. However, to maximize the roles of the market, strategic efforts need to be taken to improve awareness of tolerance, pluralism, and coexistence beyond the market arena.

Furthermore, Indonesian NGOs could expand their presence in capacity building for mediation and dialogue leaders in several socio-economic thematic sectors. Fisheries could be used as the main avenue to both address economic issues and rebuild community livelihoods. This could be achieved by down streaming action plans and capacity building for relevant stakeholders.²³ Choosing matters that are most important to the Rakhine community could ease efforts to encourage members to compromise and be open to dialogue and achieving common goals.

Messages and narratives about peace and the importance of strengthening community ties as the foundation for democracy could be extended through the village committees built by MuhammadiyahAid. The involvement of religious and customary leaders to promote peace narratives that are understood by society and are relevant to citizens' everyday lives could be more effective in conveying democratic ideas.

Conclusion

Indonesia's attempts to resolve Myanmar's issues should move beyond regional mechanisms and political and humanitarian assistance. The two countries' social and cultural affinities that have been built through centuries of trade have not been fully explored. This research has exemplified two main strategies based on Indonesia's best practices in addressing its tumultuous democratic transition from 1998 onwards. In elaborating the strategies, a focus on the grassroots level and bottom-up approach has been highlighted, in recognition of the conflict's wider impact on the population, which included human rights abuses, poverty, and disenfranchisement among the country's ethnic minorities.

Taking Rakhine State as a case study, this paper has identified how to achieve social cohesion through long-term community-based efforts towards democratization in Myanmar. The complexity of this region has been analyzed using conflict management strategies from four regions in Indonesia that were directly impacted by the 1998 democratic transition. The first of these community-based efforts is strengthening and expanding Indonesian NGOs in Myanmar, which could serve as stable entities and represent Indonesia in international forums. The second draws on the case of NGOs operating in Aceh, Papua, and Poso in the aftermath of communal conflicts, whereby Indonesian non-state actors could initiate a multi-stakeholder network based on existing local partners. This would be done after trust is built during the humanitarian assistance period and by starting negotiations with issues that are less sensitive.

The final community-based effort is choosing informal structures such as marketplaces to be the entry point to promote democracy in a society that still relies heavily on oral traditions. The marketplace has been the information ground for Rakhine communities and a space where interreligious and interethnic actors come together to achieve common goals. To maximize the impact of the marketplace, Indonesian organizations need to help expand the area of social interaction beyond the market arena by building

democracy-related mediation and dialogue capacity of religious and customary leaders. These capacity building activities should be focused on thematic issues deemed crucial in Rakhine.

To conclude, the efforts of individuals at the grassroots level, despite their limitations and challenges, are essential for strengthening and upholding social cohesion. To contribute to a society's ability to achieve sustainable peace, democracy building policy and actions need to speak the language of the people at the grassroots level.

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9 Seeking Strategic Options for Conflict Management in Myanmar: Implications for Thailand, ASEAN, and the International Community

Dulyapak Preecharush

Executive Summary

- This policy paper aims to seek strategic options for conflict management in Myanmar's post-coup politics by focusing on the cessation of violence as part of ASEAN's Five-Point Consensus (FPC). It will also evaluate the role of Thailand, ASEAN, and the international community in Myanmar's conflict management.
- Although the outcome of the conflict in Myanmar remains uncertain, the Tatmadaw or Myanmar Armed Forces is still a major stakeholder in national politics and security. Therefore, successful implementation of the ASEAN FPC should conform with Tatmadaw security positions. Thailand, which has connections with Myanmar's military leaders but also complex security issues with Myanmar, will become an interesting player in this.
- For the international community and ASEAN to reduce violence and support the peace process between the Myanmar military government and opposition groups, a piecemeal approach combining problem-solving and contending strategies, as well as constructive and flexible engagement strategies, might be suitable for conflict management in the country.
- The Thai government has conducted careful policy orientation with Myanmar based on quiet diplomacy and the ASEAN principle of non-interference in internal affairs of member states. The Thai state security sector has tried to understand the Myanmar military mindset. This power group has played a significant role in making policy with Myanmar, leading to Thailand's soft approach towards criticizing the junta. However, other stakeholders sympathize with Myanmar opposition groups. As such, although Thailand's stance during the Myanmar crisis was driven mainly by the state security sector and tended to appease the junta, more policy platforms for other stakeholders in Thailand would protect Myanmar's conflict-affected civilians.

This paper opens with a general overview of conflicts in Myanmar's post-coup politics. It then offers observations about the Myanmar military mindset and fear of foreign intervention. The paper proposes that Thailand, which is geographically close to Myanmar and has connections to Myanmar's military leaders, may play an interesting role in conflict management in the country. The final part deals with policy recommendations for the crisis in Myanmar, specifying policies pertinent for Thailand, ASEAN, and the wider world.

Conflicts in Myanmar's post-coup politics

Myanmar's post-coup political life is uncertain, due to a complex conflict and showdowns between a military government seeking to control the state and repel foreign intervention, and opposition groups hoping to replace the 2008 Constitution with a charter placing the military under civilian control while creating a new democratic federal system. Opposition forces have tried to obtain internal and external

assistance to strengthen the political movement, but the military has perceived this as a threat to state sovereignty.

Both sides have arrived at a deadly stalemate. The new military regime or State Administration Council (SAC) has continued to target political foes as well as their supporters and sympathizers. Its forces have used heavy weapons to attack cities, in what United Nations (UN) investigators have described as potential crimes against humanity. The parallel National Unity Government (NUG) has responded by declaring a “people’s defensive war,” calling on civilians across Myanmar to rise up against the dictatorial regime.¹

The Tatmadaw or Myanmar military relies on the following military tactics: 1) Daytime and nighttime raids on communities and detaining suspected opposition group members; 2) deploying heavily armed combat battalions to subjugate urban dissent with the intent to kill a maximum number of suspected offenders; 3) in rural areas, the Tatmadaw has used a time-honored “four cuts” counterinsurgency strategy, aiming to block rebel force access to four essential commodities: food, funding, intelligence, and recruits; 4) forming paramilitary networks due to security force inability to protect regime-appointed local administrators. The resistance forces rely on asymmetric warfare tactics such as assassinations, improvised explosive devices, shootings and ambushes, and sabotaging critical infrastructure. Local administrators, members of the Union Solidarity and Development Party (USDP), and security force personnel have been killed by the resistance militia. There have been several explosions across Myanmar and militants have shot police and soldiers during security post ambushes. Opposition forces have also targeted economic, communications, and transportation infrastructure seen as vital for the military regime.²

Ethnic Armed Organizations (EAOs) have different viewpoints about post-coup politics. The Chin National Front (CNF), Kachin Independence Army (KIA), Karen National Union (KNU), and Karenni National Progressive Party (KNPP) have adopted aggressive action against the Tatmadaw and supported ongoing armed revolution. They have seized Tatmadaw bases and conducted fierce guerrilla warfare. The Democratic Karen Benevolent Army (DKBA), National Democratic Alliance Army (NDAA/Mongla), New Mon State Party (NMSP), and Pa-O National Liberation Organization (PNLO) have approached the military government, joining government peace talks and meeting with Senior General Min Aung Hlaing. Other EAOs have been more cautious, based on their political objectives and strategic interests. The Arakan Army (AA) and United Wa State Army (UWSA) have scarcely reacted to the coup, and it is difficult to discern if they side with the SAC or NUG. The Restoration Council of Shan State (RCSS) condemned the coup but has attended government peace talks, without showing sustained interest in political dialogue or cooperation with the NUG. After the coup, UWSA, the Ta’ang National Liberation Army (TNLA), and the Shan State Progressive Party (SSPP) all pursued common strategic interests in northern Shan State. They combined forces and fought with RCSS, which expanded its military bases into their sphere of influence.

ASEAN community outreach attempted to relieve Myanmar’s political conflict and provide humanitarian assistance. However, regional states acted differently toward the country’s internal politics. ASEAN leaders agreed to the FPC, which includes an immediate cessation of violence, delivery of humanitarian assistance, and appointment of an ASEAN envoy to facilitate dialogue among stakeholders. However, maritime states (Indonesia, Brunei, Malaysia, Singapore, and the Philippines) actively condemned the coup and pressured the junta, but mainland states (Thailand, Laos, Vietnam, and Cambodia) were less assertive. The US and other Western countries sympathized with the NUG and democratic groups, while neither China nor Russia strongly criticized the Myanmar military government. During the Russia-Ukraine war, the NUG released statements condemning the Russian

invasion of Ukraine, but the junta chose not to condemn Russia, while using Russian Mikoyan MiG-29 aircraft to bomb the armed opposition groups' military bases.

Due to an ongoing stalemate in power rivalry between the two adversaries and the diverse views of ethnic armies and the international community, it is difficult to identify any potential clear scenarios for influencing the junta to reform Myanmar's post-coup politics. The junta might continue to consolidate power through heavy intensification of force and military conflicts, leading to extreme fluctuation in state sovereignty. If resistance forces accumulate more power and the junta's position becomes untenable, a power transition to civilian rule might occur and a democratic federal system established. However, if the junta can successfully suppress resistance and negotiate with several EAOs and other interest groups, the military dictatorship will remain. In that case, the pathway to democratic transition will depend principally on the Tatmadaw political mindset and strategies. It is too soon to predict which scenario may result in Myanmar. Yet, the Tatmadaw, which has more military power than other political groups and is experienced in intervening in politics, remains a major stakeholder in Myanmar politics and security.

Tatmadaw security mindset and fears

Myanmar military elites appear to have a particular way of conceptualizing and defining state security and have developed a specific pattern of evaluating security interests. Tatmadaw perceptions of threat derive from a turbulent national history and complex internal-external challenges, which central administrations have faced since 1948. These include armed struggles against ethnic, religious, and ideological groups, different forms of political uprising and social unrest, and a pervasive sense of vulnerability to invasions by more powerful countries.³ Tatmadaw officers fear that specters of internal division and external interference are the most dangerous threats to Myanmar's national security. The collapse of Yugoslavia in 1992, invasion of Iraq in 2003, and Arab Spring uprisings in the 2010s are examples of what Myanmar could potentially confront.⁴

Myanmar senior military leaders strongly believe that civilian politicians are untrustworthy. They are regularly portrayed in official publications as inefficient and feeble managers of security affairs, as well as unpatriotic incompetents in terms of preventing national fragmentation.⁵ The generals suspect that Aung San Suu Kyi and the NLD opposed the notion of a "disciplined democracy" and attempted to reduce the Tatmadaw's role in national politics. The party's persistent efforts to amend the 2008 Constitution and grant civilians increased power was viewed with concern. In February 2021, the Tatmadaw seized power, possibly to forestall such plans.⁶ The military also saw Myanmar citizens as "enemies of the state."⁷ Widespread political uprisings and democratic revolutions against the dictatorial regime have been considered by the Tatmadaw as direct threats both to it and the entire state security structure. The military is concerned that EAOs may secede from the union and establish new independent states. Successive military regimes have conducted brutal counter-insurgency operations against ethnic armies, mainly around the country's periphery.

Myanmar has a long history of foreign intervention in its internal affairs, which still influences Tatmadaw strategic thinking. After the 1988 uprising, Western countries pressured the new military regime through economic sanctions, arms embargoes, and travel bans. Aung San Suu Kyi and opposition groups were supported by foreign countries and international organizations to oppose the military junta. From time to time, statements by Western leaders — especially then President George W. Bush's condemnation of Myanmar as an outpost of tyranny — caused fear among senior generals that the country might be invaded by the US Army or a coalition of UN forces.⁸ Senior General Than

Shwe stated that powerful neocolonialist states might wish to dominate Myanmar and destroy its spirit of national solidarity. Even in the 1990s, military leaders were concerned that Myanmar might become a target for Islamic countries angered by the regime's attacks on national Muslim communities.⁹ The coup in early 2021 brought calls for military invasion according to the principle of the Responsibility to Protect (R2P).

Due to these strategic threats, the core principles of Myanmar's national defense policy aim to safeguard national values about independence and sovereignty while protecting national ideology. This consists of non-disintegration of the union and national solidarity as well as perpetuating state sovereignty. National armed forces shall prevent aggression from other nations and external interference in Myanmar's internal affairs, while avoiding intervention in the domestic affairs of other nations.¹⁰ ASEAN's traditional non-interference in the internal affairs of member states was praised by Myanmar military leaders. The Tatmadaw also sought to heighten the importance of national security issues in Myanmar's relations with the outside world. The country's soldiers supported independent and active foreign policy stances by participating in opposing imperialism, colonialism, interventions, aggression, and hegemonism. Rhetoric against neocolonialist foreign powers intervening in, or humiliating, Myanmar has appeared constantly in national military propaganda, especially when foreign pressure and criticism increased.¹¹ The Tatmadaw have declared their rejection of foreign interference and determination to be self-reliant in diplomacy, preserving Myanmar's integrity as an independent state.¹²

Accordingly, a successful implementation of ASEAN's FPC should conform with Tatmadaw security positions. The junta would welcome an ASEAN Special Envoy and delegation that understands its perceptions of threats. Providing humanitarian assistance without intervention in Myanmar's internal affairs might be acceptable to the junta. Constructive dialogue to seek peaceful solutions or stimulate the democratizing process may be possible if international stakeholders accept the Myanmar military's role in politics. It is difficult for all ASEAN members to engage with Myanmar in these approaches because of the regime's brutal crackdown since the coup. However, a confidence-building process that persuades the generals through continuous communications to halt the violence should be initiated. In this regard, Thailand may propose to Myanmar some benefits for ASEAN engagement. Thailand shares an extensive land border with Myanmar and the Thai military has periodically intervened in political matters, so Thai military leaders understand Tatmadaw political and security mindsets. Thailand's geographic proximity with Myanmar may also be beneficial for cross-border humanitarian aid. Nevertheless, Thailand also has specific security issues with Myanmar, leading to Thailand's careful policy orientation with the country.

Thai Policy on Myanmar

Thai foreign policy emphasizes conducting diplomatic relations with neighboring countries and the wider international community in a balanced, stable manner, which is based on principles of mutual trust, respect, and benefit. Formulation of Thai foreign policy towards Myanmar derives from Myanmar's political dynamism and Thai leaders' strategic thinking. In the last years of the Cold War, Thailand's constructive engagement policy was driven by Chatchai Chunchawan's government. This policy concept prioritized economic investment and friendly relations with the junta, rather than human rights and democracy in Myanmar. However, when Chuan Leekpai and the Democrats attained power, Thai foreign policy focused on criticizing the junta and supporting Myanmar's democratization. In 1998, Thai Foreign Minister Surin Pitsuwan proposed a new diplomatic approach, called "flexible engagement," to permit open discussion of domestic affairs with ASEAN member states, especially those with repercussions for neighboring countries or those affecting the entire ASEAN region. This

approach, intended to pressure the Myanmar junta, was opposed by most ASEAN member states as contradicting the principle of non-interference in the internal affairs of other nations. Later, Prime Minister Thaksin Shinawatra revised the constructive engagement policy towards Myanmar, focusing on business interests and ignoring criticism of the junta.¹³ The Thai government under Prayut Chan-ocha has refrained from criticizing Myanmar's military government and is determined to engage in quiet diplomacy with the junta to find peaceful solutions.

Thailand's quiet diplomacy has some specific sources. Unlike other ASEAN states, Thailand is a frontline state with geographical proximity to Myanmar and close connections with Myanmar military leaders. These factors help to form a specific pattern of contemporary Thailand-Myanmar policy. Thailand shares a porous land border with Myanmar spanning around 2,401 kilometers. It is difficult to detect illegal immigrants, who are often linked to the drug trade and human trafficking. A series of military skirmishes between the Tatmadaw and rebel groups or fights among ethnic minority armies have sporadically broken out along the Thai-Myanmar borderland. Boundary disputes in many strategic areas are another security challenge for bilateral relations between the two states. With these basic problems and the current widespread civil war in Myanmar, Thailand is facing the looming threat of an influx of refugees and other security issues such as potential sovereignty violations from military combat in Myanmar. In this regard, maintaining friendly diplomatic relations between Bangkok and Naypyidaw as well as seeking military cooperation between the two armies through existing Thai-Myanmar negotiation mechanisms, such as the Township Border Committee (TBC) and Regional Border Committee (RBC), are required for Thailand to manage the complex security problems.

Although Thailand and Myanmar have a history of conflict and warfare, their modern armed forces share similar pathways in political intervention. When General Prayuth staged a coup in 2014, Senior General Min Aung Hlaing praised the Thai junta for “doing the right thing” by seizing power. He compared Thailand's political crisis with Myanmar during the political upheaval of 1988, when the Tatmadaw cracked down on pro-democracy protestors.¹⁴ Min Aung Hlaing's support of the coup in Thailand and his personal relationship with the late General Prem Tinsulanonda, who is honored as an influential Thai statesman, are explicit evidence of a close rapport between the two nation's military leaders. During Myanmar's current crisis, Thai leaders appear to be prioritizing ASEAN principles of non-interference. As Prayut himself achieved power through a coup and the kingdom has unresolved domestic political conflicts, especially youth protests against authoritarianism, Thailand's overt intervention in Myanmar might not cohere with Thai political praetorian power.

Although Thailand attempted to propose diplomatic initiatives for reducing violence in Myanmar, the Thai government has taken a cautious approach to pressuring Myanmar's military junta. Don Pramudwinai, Deputy Minister and Minister of Foreign Affairs, suggested a “D4D” concept as the way forward for Myanmar: de-escalating violence; delivering humanitarian assistance; discharge of detainees; and dialogue for development in Myanmar. Don frequently met Myanmar government officials in Naypyidaw and appointed Pornpimol Kanchanalak, a foreign affairs advisor, as Special Envoy to Myanmar. Don's designation order stated that Myanmar is strategically important for Thailand, especially in geopolitical, economic, societal, and national security contexts. At a meeting with security officials in Singapore in May 2022, Pornpimol said that the international community must take the junta's commitment to hold elections “at face value” and that “condemnations, sanctions, ostracization” of the regime “have reached diminishing returns.”¹⁵ Her perspective reflects Thailand's cautious approach about criticizing or pressuring the junta.

The Royal Thai Army enjoys a special relationship with the Tatmadaw. On June 30, 2022, Senior General Min Aung Hlaing and Vice-Senior General Soe Win received the delegation headed by the

Thai Commander of the Third Army Region (TAR), comprising border areas in northern Thailand and neighboring Myanmar. At the meeting, they exchanged views on enhancing the existing friendship and cooperation between the two states' respective defense forces, stability in the border areas, political development in Myanmar, security forces' attempts to eradicate terrorist incidents, the Tatmadaw's endeavors for peace talks with EAOs, and Myanmar government measures to restore opposition groups to the legal fold.¹⁶ These opposition groups included members of the Civil Disobedience Movement (CDM) and People's Defense Force (PDF). The TAR is one of the most active military commands dealing with security impacts from conflicts along the Thai-Myanmar border, as well as with illegal migrants from Myanmar. Min Aung Hlaing's reception of the TAR delegation can be interpreted as an attempt to demonstrate that Thailand and the junta maintain a cordial relationship, even as some ASEAN countries criticized his regime for brutal crackdowns since the coup.¹⁷ During current military conflicts between the Tatmadaw and opposition groups, the Thai army might sympathize with the Tatmadaw due to close ties between the two forces. Nevertheless, despite the Thai government and army's friendly relations with the junta, this condition might facilitate Thai communications with the SAC and reduce violence along the borderline.

Policy recommendations

Policy options comprise three levels: the international community, ASEAN, and Thailand. Due to an ongoing stalemate in Myanmar military conflicts, the international community should support the peace process between the Tatmadaw and opposition groups to halt bloodshed and create a new ceasefire framework. They should work with stakeholders in Myanmar to address humanitarian needs and develop democracy, but also understand the Tatmadaw perceptions of threats and fears of foreign intervention. Maintaining channels of communication with the military regime remains vital for reducing risks of further loss of life. Although external actors must address the humanitarian emergency, they should not enforce immediate regime changes. This situation requires in-depth understanding of the Tatmadaw political mindset and security strategies as well as creative diplomacy based on a piecemeal approach and relevant conflict management strategies.

A piecemeal approach, which refers to an incremental bargaining technique with one done conducted at a time, might be suitable for lessening protracted conflicts. Myanmar military elites are familiar with this approach. Under Thein Sein's administration, the Myanmar Peace Centre (MPC) was founded to provide technical assistance to the government in negotiations with EAOs and other stakeholders. The MPC employed a piecemeal approach by allowing the Tatmadaw to affirm incremental commitments for negotiating with political adversaries and settle conflicting agendas step by step. As a result, the Tatmadaw joined several discussions on designing democratic federation. This approach may convince the Tatmadaw and motivate the peace process in Myanmar.¹⁸

Potential conflict management strategies include problem-solving, which is an effort to find an alternative acceptable to both sides, and contending, which is an attempt to force individual will on another party. Problem-solving generally benefits both adversaries, while contending undermines any mutually beneficial outcome, however, it can facilitate or contribute to effective problem-solving.¹⁹ Problem-solving through discussion of underlying interests and concession-making is likely an appropriate technique for managing conflict in Myanmar.²⁰ In Myanmar's post-coup politics, the Tatmadaw and opposition groups have conducted competing strategies as aggressive actions aimed at treating negotiations like zero-sum games, where demands are made for as much as possible, whatever the damage to the adversary. Both sides see each other as competitors or strategic threats. However, the international community might decrease this level of competition by extending the role of the UN and

ASEAN Special Envoys in persuading both sides to start the negotiation process from a position of mutual respect, and to focus on immediate cessation of violence.

With the Tatmadaw dominating opposition groups and attacking civilians, the international community should employ a contending strategy. This strategy (if used at an appropriate level and without overwhelmingly pressuring the Tatmadaw), may compel the junta to partially reduce aggressive actions while also increasing problem-solving strategic effectiveness. A potential example is, when explicit evidence indicates that the Tatmadaw has brutally assaulted Myanmar civilians, the international community may inform the junta that it will increase Myanmar opposition stakeholders' political legitimacy on the UN stage and in other regional cooperation frameworks. The international community might provide increasing politico-economic assistance to the NUG, CDM, PDF, the Committee Representing Pyidaungsu Hluttaw (CRPH), and other opposition groups for defending against fierce attacks by the Tatmadaw. Myanmar diaspora and democratic activists from several countries can be invited to join this strategy. This deterrence, if used proportionately, may persuade the Tatmadaw to reduce aggressive action against Myanmar civilians and consider the incremental political negotiation strategy with opposition groups.

While Indonesia and other maritime states have campaigned for more robust ASEAN intervention, other member states are wary of using excessive pressure on the junta, arguing that isolating Myanmar would be counterproductive for ASEAN integration. During the late 1990s, ASEAN member state policies toward the junta were divided into pro-interventionist and pro-sovereignty camps.²¹ ASEAN lessened this problem by using enhanced interaction, a novel approach reflecting a compromise between flexible and constructive engagements. Perhaps this prior event might help identify an ASEAN middle ground of mediating the Myanmar crisis. Yet it would require more diplomatic tactics, as the current conflict is in a deadly stalemate and has different elements compared to the precedent of the late 1990s. However, a harmonious combination of these approaches is still important. Dr Kung Phoak, Cambodian Secretary of State for Foreign Affairs and International Cooperation, expressed the choice to opt for political engagement but not isolation on the issue of Myanmar, upholding the ASEAN principle of non-interference in member states' internal affairs. Wunna Maung Lwin, Myanmar Minister of Foreign Affairs, stated that the Myanmar government has attempted to make significant progress in implementing the FPC in line with the country's existing rules and regulations and the ASEAN principle of non-interference.²²

Recently, responding to increasing pressure of foreign intervention, Myanmar's military government clearly alluded to the ASEAN tradition of non-interference, emphasizing that a sovereign state shall not intervene in another's internal affairs, and foreign military bases must not be constructed in other member states, as this would subvert state sovereignty. Some ASEAN countries should assure the Tatmadaw that they seek to strengthen the NUG's capacity for providing health services and humanitarian aid to Myanmar civilians, without infiltrating Myanmar through foreign (NUG and PDF) military bases in their own territories. In addition, these ASEAN countries should make it clear that they seek an end to violence and development of a ceasefire agreement between the two adversaries, rather than immediate regime change. Nevertheless, if the Tatmadaw attacks Myanmar citizens, resulting in considerable migration and other impacts on regional security, some ASEAN countries may increase overseas support by empowering opposition groups in Myanmar with political, diplomatic, and financial assistance. If these mixed stances (respecting Myanmar sovereignty but protecting Myanmar civilians) may be stressed, more robust political negotiation may occur between the two adversaries.

Although a clearer polarization between opponents has emerged in Myanmar's post-coup politics, ASEAN should focus on immediate cessation of violence by bringing the two sides to the negotiation process. Mainland states that lend to the SAC and maritime states that lend to the NUG and opposition groups can compromise by sharing common efforts to relieve violence in Myanmar. ASEAN should send an incontrovertible message to Myanmar that violent crackdowns that are destroying the state and society must be avoided. ASEAN should also consult external powers such as China, the EU, India, Japan, Russia, and the US to lessen the likelihood of great power rivalry in the Myanmar conflict and protect the country from inclining towards specific major power blocs. This approach might lead to a more effective ASEAN mediation effort, with a central role in reducing violence in Myanmar.

There is an urgent need to establish a humanitarian corridor along the borderline. Thailand has a key role to play in supporting cross-border aid. During the Cold War, Thailand experienced military clashes between the Myanmar government and opposition groups. Refugee camps were established with UN humanitarian support, especially in Tak and Mae Hong Son Provinces, which still operate today. This experience can boost Thailand's prominence in humanitarian diplomacy. Considering the fairly close relationship between military leaders in both countries, Thailand may play a useful role in communicating with the Myanmar junta and regional military commanders. This might reduce heavy attacks on civilians by the Tatmadaw in some frontier areas. Resistance forces and other EAOs along the Thai-Myanmar borderland, including KNU and KNPP, may be invited to join negotiations with Thai authorities and stakeholders or Tatmadaw representatives (at negotiation sites in Thailand). A similar scenario occurred over the past decade when Myanmar was in a democratic transition. Since 2011, Chiang Mai, a large city in northern Thailand that shares a border with Myanmar, gained extra prominence when Myanmar government and ethnic army representatives held peace meetings to exchange democracy and federalism demands.

The state security sector has played a vital role in Thailand's foreign and security policy towards Myanmar. The Thai Army formulates defense policy along the Thai-Myanmar border while the Ministry of Foreign Affairs conducts Thai foreign policy with Myanmar. The National Security Council (NSC) under the Prime Minister's office is responsible for monitoring security issues and setting internal and external national security policy. Most stakeholders within this tri-power structure collaborate in drawing public policy papers and strategic plans for dealing with sensitive security issues, including conflicts in Myanmar and their security impacts on Thailand. They have also attempted to understand Myanmar's military mindset and respected basic principle of non-interference in internal affairs. However, due to widespread civil war in Myanmar and its complex impacts on Thai security, other stakeholders have played an increasing role. These include the Thai Ministries of the Interior, Public Health, and Commerce, which are responsible for issues involving refugee camps, Covid-19 pandemic control measures, and border trade, respectively.

In addition, Thai civil society organizations and democratic groups have encouraged Myanmar opposition movements, while some Thai frontier dwellers tend to sympathize with Myanmar civilians. In Tak Province villages in Thailand, Karen tribes share the ethnicity of Myanmar citizens and cross the border frequently for mutual visits. Due to these multilayered associations, Thai public policy formulation towards Myanmar should incorporate the perspectives, demands, and interests of all stakeholders simultaneously. If this were the case, although Thai policy towards Myanmar is mainly driven by the state security sector and tends to appease the junta, more space would be allowed for other stakeholders to protect civilians in the Myanmar opposition movement and among ethnic minority networking groups.

By integrating these policy options proposed for the international community, ASEAN, and Thailand, conflict management in Myanmar post-coup politics may be developed and progress.

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10 Where Do We Go from Here?

ASEAN, Singapore, and the Ongoing Myanmar Crisis

Chong Ja Ian

Executive Summary

- ASEAN's approach towards a difficult issue like Myanmar could set a precedent for future interactions among members and regional crisis management, while sending a signal to external partners about its ability and willingness to address political challenges.
- At stake, then, is the shape of intra-ASEAN cooperation and whether the grouping can remain the partner of choice for other actors, or if the idea of "ASEAN centrality" merely becomes diplomatic lip service.
- Given the UN's current lack of attention to Myanmar and ASEAN's current limited appetite for a different tack, Singapore is unlikely to shift its position and take the lead, which does of course create a chicken-and-egg challenge for next steps on Myanmar.
- Such conditions suggest that the country's leadership may be wary of taking too forward a stance on Myanmar, given that a large proportion of Singaporeans tend not to understand the immediacy and gravity of the crisis there.
- The continued deterioration of conditions in Myanmar as the country slips into civil war is worrying and can have broader ramifications for ASEAN, especially in the medium- to long-term.
- Singapore can play a crucial role in supporting ASEAN initiatives on Myanmar, especially if the grouping chooses to enhance attempts to promote negotiation and discourage violence by shifting the incentive structures for doing so.

A year has passed since ASEAN member states and the Myanmar military agreed to the Five-Point Consensus (FPC) as a roadmap for restoring peace to Myanmar following the coup of February 1, 2021. Despite the unfolding crisis, ASEAN's extended decision-making process meant the document took a long time to be published. Efforts to implement the terms of the FPC over the course of the year stalled over access to non-military leaders including those of the overthrown National League for Democracy, with an ASEAN Special Envoy only visiting Myanmar for the first time in March 2022.¹ The trip followed Cambodian Prime Minister Hun Sen's visit to Naypyidaw and video call with junta leader Min Aung Hlaing after Cambodia became ASEAN Chair, which occurred without prior consultation with other ASEAN member states.² Meanwhile, ASEAN restricted Myanmar's representation at key events to "non-political" figures, effectively limiting participation, even as the country slipped deeper into civil war and violence.³

Given the ongoing and worsening crisis in Myanmar, I seek to examine the options available to ASEAN, as well as Singapore's potential role within them. One alternative path open to ASEAN is to encourage dialogue and an end to hostilities that could more vigorously move the various parties in Myanmar towards a negotiated outcome. Another is to try to contain any unrest within Myanmar inside its borders and prepare to address any outward spillover with the aim of limiting negative repercussions for other members. ASEAN can also proceed with business as usual, only addressing crises and issues as they

arise. Singapore can play a key role in any of these possibilities should they be consistent with its interests and if its leaders have the political will to follow through.

This short essay will briefly consider the FPC next to the current situation in Myanmar as far as it is knowable. It will then discuss possible ways to move forward with the FPC, along with the limits that follow from the consensus framework and potential alternative considerations. A third section examines the roles Singapore can play in advancing the program proposed under the FPC together with any alternative arrangements. It will then suggest some of the obstacles and complications that may restrict the contributions that Singapore can make. The conclusion will provide some thoughts on tentative steps forward on the FPC, as well as how they may pertain to Singapore.

The Five-Point Consensus in action

So far, there seems to be little progress in the implementation of the FPC, at least any that is knowable in the public domain. The arrangement states:

1. First, there shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.
2. Second, constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.
3. Third, a special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN.
4. Fourth, ASEAN shall provide humanitarian assistance through the AHA Centre.
5. Fifth, the special envoy and delegation shall visit Myanmar to meet with all parties concerned.

Among these, there has at present only been a single belated visit by the new Cambodia-appointed Special Envoy in 2022.⁴ However, that visit only involved meetings with the Myanmar military and not “all parties concerned,” which means that there appears to be little grounds for mediation as stipulated in the Consensus with the Myanmar military. Even work by the ASEAN Humanitarian Assistance (AHA) Centre only appears to be proceeding with limited progress.⁵ Amid these developments, violence and fighting – including attacks on civilian targets by the Myanmar military – are not only continuing but escalating.

Details continue to emerge about the deterioration of conditions inside Myanmar. Insecurity persists as the Myanmar military assaults areas it regards as sympathetic to opposing Ethnic Armed Organisations (EAOs) or the National Unity Government (NUG), which was formed by the deposed National League for Democracy (NLD) and its People’s Defence Force (PDF).⁶ These actions are reportedly leading to civilian casualties that may create conditions for displacement and human trafficking.⁷ The general disorder resulting from the coup is also resulting in an increase in the production of and trade in drugs.⁸ Despite the cross-border risks of such developments to Myanmar’s neighbours, including ASEAN members, there seems to be little concerted response from ASEAN or others at this point. Russia’s invasion of Ukraine also draws international attention away from Myanmar.

Worsening unrest, violence, and instability following the coup and the FPC suggest the limits of the framework in providing an incentive structure to encourage dialogue and a movement away from the use of force. The FPC provides little concrete reason for parties that either believe they can prevail or think that accepting the status quo will be harmful to back down and begin dialogue. Little in the arrangement apparently mitigates the risk of any party reneging and entering discussions in bad faith,

even with ASEAN and ASEAN-appointed envoys. The military's control of major entry points into the country puts it in a position to complicate, if not deny, ASEAN access to other parties in Myanmar, while potentially using control of humanitarian aid flows to bolster its position and punish rivals. Crucially, the FPC was reached between ASEAN and the Myanmar military with no obvious participation or input from the NUG and other parties, which may limit its legitimacy and appeal among actors opposed to the military.

ASEAN, therefore, has few options for promoting compliance with the FPC at present. The grouping can deny the Myanmar military by excluding it from both official and unofficial ASEAN activities, which it already does by insisting on “non-political” Myanmar representation at ASEAN events.⁹ ASEAN also refrained from objecting to an NLD representative continuing to hold the Myanmar seat at the United Nations (UN). This move somewhat parallels ASEAN's support for the Coalition Government of Democratic Kampuchea taking Cambodia's UN seat during the 1980s, rather than the Vietnamese-supported government.¹⁰ Such acts deny some legitimacy to the Myanmar military's efforts to install itself as the lawful government, but are ultimately insufficient to motivate the military – or any other actor – towards meaningful dialogue and compromise.

Complicating matters is the ongoing conflict in Ukraine sparked by the Russian invasion of the country. Understandably, the tragic, man-made crisis in Ukraine is attracting international attention, which translates into reduced emphasis on the less visible but no less urgent needs of Myanmar. Such conditions reduce momentum and political will to address the deteriorating situation in Myanmar. ASEAN leaders and the populations of member states may find it easier to allow the civil war and humanitarian crisis in Myanmar to slip out of mind. Unfortunately, such inattention could contribute to conditions for Myanmar to become a broader regional challenge going forward.

Options and risks

Given the worrying trends in Myanmar, ASEAN collectively faces a need to seriously evaluate the FPC and decide on its future course of action. Within ASEAN's institutional constraints, the most forward leaning option may be to revamp incentive structures involving actors in Myanmar to provide greater encouragement for parties to negotiate. Keeping to current approaches is a possibility, as is trying to contain instability within Myanmar – assuming that ASEAN does not wish to scuttle efforts to address the situation and take a *laissez faire* position towards developments. Each alternative carries different risks, which I discuss below, although the last two may prove more costly in human terms. Of course, individual ASEAN members may decide to act differently to the organisation, given the premium the grouping provides for state autonomy.

A more active approach that goes beyond the FPC entails making the use of force more costly and complicated to prompt negotiations. Diplomatically, this likely involves ASEAN working with other actors including the People's Republic of China (PRC), Russia, the European Union, the United States, India, and Bangladesh to limit the flow of weapons, ammunition, dual use technologies, and equipment that could be used to support violence. Such an effort needs to be coupled with the limitation or even suspension of economic exchanges and investment where revenues could be used to finance arms purchases. Efforts against money laundering and smuggling should also be increased, even as ASEAN seeks to engage actors like the NUG and various EAOs informally, while promising humanitarian assistance and good offices once hostilities decrease. The Myanmar military is likely to feel such actions

more than other actors in the country given, its advantages in capability and established economic interests.

Taking a more robust position to discourage further use of violence does, however, present real complications for ASEAN. To be fully effective, limiting financial, technological, and equipment flows involves coordination with non-ASEAN actors that do not see eye to eye, to say the least. Even on their own, ASEAN members can complicate the calculus for using force in Myanmar without even intervening inside the country, such as by regulating financing, technology, and material crossing their respective territories. The tricky part for ASEAN is to attain the internal consensus necessary for action, given that members have their own mixed interests and incentives. That said, pressure on Myanmar could risk driving the military to disengage with ASEAN if it believes it has the advantage domestically, and the world will have to deal with the *fait accompli* it eventually presents. This could make negotiations and reaching any interim solution more challenging.

Continuing with the FPC means extending dialogue with the Myanmar military with whom the arrangement was agreed, although ASEAN itself can avoid another drawn-out process of internal deliberations. Humanitarian access as well as contact with other actors in Myanmar seems to depend on convincing the military and its goodwill under the Consensus, since it is the only party to the agreement from Myanmar. Perhaps there could be some limited conditional recognition of the military's current dominance in exchange for access for the ASEAN Special Envoy and AHA Centre. The underlying logic for such an approach is that having some engagement is better than none and that ASEAN can persuade Min Aung Hlaing and his associates to shift their position. Maintaining the FPC approach accepts the immediate risks of escalation and harm to civilians in hope of attaining a more stable, negotiated long-term solution.

Adherence to the FPC is not without its downsides. There is little ASEAN can do should the Myanmar military not act in good faith or renege on its erstwhile promises – steps that it already demonstrated a willingness to take. If there is some provisional recognition from ASEAN of the military's dominance in Myanmar, the grouping could roll that back, just as it did so in only permitting participation by “non-political” representatives from Myanmar at key ASEAN events. Nonetheless, such moves are likely to lead to another impasse while fighting continues in Myanmar, along with the attendant humanitarian concerns over displacement and the breakdown in governance. Of course, such developments may be acceptable even if less than ideal since they simply maintain the status quo.

A third option given limited progress on the FPC may be to try to contain growing instability within Myanmar. Such an approach means letting the parties in Myanmar settle their differences among themselves, which would be consistent with ASEAN's principle of non-interference in domestic affairs of member states. States bordering Myanmar or accessible by boat may have to deal with refugees, human trafficking, and drug smuggling, but can opt to contain instability by trying to secure their own frontiers. Turning away refugees was, after all, the controversial policy adopted by several ASEAN member states even at the height of the Rohingya refugee crisis in 2017.¹¹ Such a position seeks to restrict instability to within Myanmar's borders, while reducing exposure to the immediate problems resulting from the ongoing civil war and any associated risks.

Leaving Myanmar to figure its own way out of the civil war may absolve ASEAN of direct responsibility but risks political backlash. A humanitarian crisis resulting from ASEAN inaction, especially if human suffering is highly visible, could leave the grouping open to international criticism – as Europe was during the 2015 migrant crisis.¹² This could obviously complicate ASEAN efforts to

build economic ties with developed countries and regions that have long-term human rights commitments. A humanitarian disaster along with an increase in crime, especially violent crime associated with the drug trade, could spark domestic dissatisfaction towards ASEAN member governments and even the association as a whole. Coupled with other domestic developments, such dissatisfaction could boil over into local political crises for the sitting governments of several ASEAN members.

Whither Singapore's role

Singapore can play a key role in any active ASEAN efforts relating to Myanmar, given its economic ties with the country. Even after the coup, Singapore remains the largest foreign investor in Myanmar according to data compiled by the military junta.¹³ Singapore-based businesses and even state-linked entities allegedly have longstanding ties with, among others, firms and individuals related to the Myanmar military.¹⁴ Business transactions and the shipment of goods to and from Myanmar often make use of Singapore's role as a global logistics hub.¹⁵ These conditions potentially put the Singapore state in a position to apply pressure on and communicate with various parties in Myanmar, albeit with some reputational risk and probability that the military may decide to jeopardize ties with Singapore.

Given Singapore's pivotal position and capacity, it can choose to selectively put pressure on various entities in Myanmar and the actors behind them. If ASEAN wishes to encourage dialogue and discourage violence in Myanmar, one way to do so may be to restrict flows of money, material, and services to targeted actors in Myanmar, calibrating such action according to the evolving situation on the ground. Singapore can play a central role in any such plan, whether by putting more pressure on the various parties in Myanmar or by providing the FPC with more tangible incentives. Indeed, Singapore has the precedent of relatively effective compliance with UN sanctions of North Korea over the years and has more recently imposed sanctions on Russia for its invasion of Ukraine.¹⁶ Should it so decide, the Singapore state has the capability to impose restrictions on actors in Myanmar, including the military.

A more active Singapore role in the Myanmar crisis comes with risks for not only Singapore but also the longer-term effectiveness of any plan that involves some form of pressure. Singapore's commercial dealings in Myanmar mean that its interests are susceptible to local actors who wish to boycott, sabotage, attack, or damage business locations and even harm employees in retaliation. Divestment from Myanmar almost certainly spells the gradual loss of leverage within the country. In response to pressure from Singapore, either acting alone or as part of a larger ASEAN effort, actors in Myanmar could also turn to alternative sources from Russia, the PRC, and India to reduce pressure. That said, targeted disruption of commercial flows can complicate the calculations of actors in Myanmar and impose a cost sufficient to alter behavior towards de-escalation and negotiation.

The Singapore state has so far resisted placing commercial pressure on Myanmar, instead claiming the ineffectiveness of blanket sanctions and de-emphasizing business connections, notably with the military. This stand contrasts with the speed with which it moved to publicly sanction Russian businesses following Moscow's invasion of Ukraine and place emphasis on complying with sanctions on Pyongyang. A reason for this divergence is simply because Russia's actions are a straightforward act of aggression condemned by the UN, just as it mandated sanctions on North Korea, whereas no similar rationale or international legal mandate applies to Myanmar.¹⁷ Myanmar's coup and civil war are domestic political matters, where Singapore and ASEAN usually avoid involvement based on their position of adhering to non-intervention. The Russia case also raises questions about the possibility of

secondary sanctions if Singapore refused to comply; actors such as neutral Switzerland as well as PRC firms are seeking to avoid running afoul of the current Russia sanctions for similar reasons.¹⁸ Such considerations do not apply in Myanmar.

Getting the Singapore state to support more robust ASEAN action on Myanmar requires it to alter its current political calculus so it has more will to bear the risks and potential downsides that may result. Clear direction from the UN or ASEAN is usually what could prompt the Singapore state to act, but this is unlikely given the current lack of international attention to Myanmar, that coups are usually domestic matters, and ASEAN's own internal divisions. A clear link between Singapore's interests and the abetment of further violence could also put officials in a position to act more decisively, although this means waiting for a visible deterioration of the situation and greater transparency. Action may come too late if it only results from significant refugee flows, cross-border unrest, and widespread criminality. Without such conditions, sufficient impetus for the Singapore state to incur the risks of more robust action on Myanmar is unlikely.

Conclusion

ASEAN's choices regarding Myanmar could prove consequential for the grouping and its future role at a time of both fractiousness within ASEAN and global uncertainty. ASEAN's internal divergence over everything from the handling of the South China Sea disputes and limited mutual assistance over the Covid-19 pandemic to the Myanmar crisis and Russia's invasion of Ukraine is evident. Concurrently, the grouping needs to find its footing in a world that is more riven with major power rivalries that lead to impasses and threaten to spill over into violence. ASEAN's approach towards a difficult issue like Myanmar could set a precedent for future interactions among members and regional crisis management, while sending a signal to external partners about its ability and willingness to address political challenges. At stake, then, is the shape of intra-ASEAN cooperation and whether the grouping can remain the partner of choice for other actors, or if the idea of "ASEAN centrality" merely becomes diplomatic lip service.

Singapore can play a crucial role in supporting ASEAN initiatives on Myanmar, especially if the grouping chooses to enhance attempts to promote negotiation and discourage violence by shifting the incentive structures for doing so. However, if Singapore were to take such a stance, a key consideration would be seeking international and domestic legitimacy for such a policy shift. Given the UN's current lack of attention to Myanmar and ASEAN's current limited appetite for a different tack, Singapore is unlikely to shift its position and take the lead, which does of course create a chicken-and-egg challenge for next steps on Myanmar. Domestically, political attention remains on the next steps of leadership transition, while Singapore society has shown itself susceptible to foreign propaganda campaigns, whether related to Covid-19 vaccines or Russia's invasion of Ukraine.¹⁹ Such conditions suggest that the country's leadership may be wary of taking too forward a stance on Myanmar, given that a large proportion of Singaporeans tend not to understand the immediacy and gravity of the crisis there.

The continued deterioration of conditions in Myanmar as the country slips into civil war is worrying and can have broader ramifications for ASEAN, especially in the medium- to long-term. A humanitarian disaster arising from persistent violence combined with refugee flows, human trafficking, drug smuggling, as well as other forms of criminality and instability within ASEAN cannot be good for the grouping and its prospects. Apparent inaction on these matters can also become cause for doubting ASEAN cohesion and effectiveness. Despite these reasons, currently the organization and its members seem to be remaining reluctant to quickly begin exploring alternative ways forward, given

considerations of non-interference in the domestic affairs of member states and ASEAN discord. Unless there is movement on these fronts, there appears to be limited grounds to expect shifts in international, regional, and national level approaches to the Myanmar crisis.

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11 Engaging Myanmar's Ethnic Armed Organizations:

A Potential Approach for ASEAN

Andrew Ong

Executive Summary

- While Myanmar's Ethnic Armed Organisations (EAOs) have been touted as the “kingmakers” of Myanmar's future, and “ASEAN centrality” has been proffered as the key to facilitating political solutions, neither group has yet fully stepped up.
- ASEAN should take a more active and direct approach to engagement with the EAOs, which represent more than a third of the country's population and territory.
- ASEAN countries, while diversifying their efforts in a coordinated manner with a long-term view, can seek to understand the EAOs as key stakeholders in the country, in the spirit of the Five-Point Consensus (FPC).
- Engaging with the EAOs may allow ASEAN to build channels of communication, deliver humanitarian assistance, build EAO capacity, and explore areas of common interest that inform a future dialogue.
- The autonomy and aspirations of EAOs may well become models for the rebuilding of Myanmar's political institutions, economy, and social fabric, with EAOs forming a centre bloc that can influence opposing sides in the conflict.

EAO “kingmakers” and “ASEAN centrality”

In the months that followed the February 2021 military coup in Myanmar, speculation was rife as to the intentions of the country's 20 or so EAOs. Would they throw their lot in with the anti-junta civil disobedience and resistance groups, or would they take the opportunity to extract concessions from the Myanmar military and its State Administration Council (SAC) in exchange for agreeing to ceasefires? EAOs are said to represent the political interests of many of Myanmar's ethnic minority peoples (non-Burmans), which make up 30-40% of the population of 55 million. Underrepresented in national politics and experiencing decades of civil war against the Myanmar military, some ethnic minority peoples might have interpreted the coup as a “Burman matter” that did not concern them.

As calls for the United Nations and the international community to intervene militarily in Myanmar (under the principle of Responsibility to Protect) fell on deaf ears, many in Myanmar shifted their attention to the EAOs. It was hoped that the combined EAO forces of around 80,000 would shift the military balance of power in favour of anti-junta forces.¹ However, EAO reactions were understandably diverse. David Mathieson assessed in March 2021 that there were three broad typologies of responses: “rhetoric and armed action, words with little action, and silence and inaction.”² By June 2022, a report by Ye Myo Hein delineated three types of EAO responses: “the first group is actively joining forces with the resistance movement, the second is aligning with the junta, and the last is steadfastly advancing their political visions.”³

When the National Unity Government (NUG) was announced in April 2021, it provided an opposition entity for the EAOs to potentially rally around. The NUG, and later the National Unity Consultative Council (NUCC), claimed the electoral legitimacy of successful candidates from the 2020 elections (largely National League for Democracy, or NLD parliamentarians).⁴ The NUG also re-ignited talk of a “federal army,” aiming to mobilise Peoples’ Defence Forces (PDFs) and enlist the EAOs in the armed struggle under its umbrella.⁵ The EAOs hesitated: from 2016 to 2020, under Aung San Suu Kyi’s NLD government, there had been little meaningful progress in the peace process and little goodwill built. Observers like Min Zin dubbed the EAOs “kingmakers,” whose actions might shift the fortunes of the country.⁶

The EAOs are touted as central to Myanmar’s future, curiously mirroring the way “ASEAN centrality” is bandied about by the international community in seeking resolution of the Myanmar conflict. This paper picks up on this mirroring and examines the possibility of ASEAN engagement with the EAOs, building on its April 2021 FPC and enhancing democratic capacities in the country. If political observers describe the EAOs as “kingmakers” and deciders of the country’s political future, with both the NUG and SAC hoping to secure their support, then ASEAN’s FPC approach might take a more active and direct engagement with the EAOs, which represent more than a third of the country’s population and territory.

This paper moves through three steps: first, it summarizes the political stances of the EAOs in post-coup Myanmar and what is known about their various attributes. Second, it suggests how ASEAN might engage the EAOs as a key stakeholder in Myanmar within the spirit of the FPC. Finally, it examines steps that actors can take to engage various EAOs and shift the needle on finding pathways forward. The pathways suggested here are underpinned by a political context of four medium-term assumptions that are reasonably drawn from other observers:

1. Armed resistance across the country against the SAC will not cease.
2. The NUG will not receive decisive political recognition and heavy weapons from external actors.
3. Neither the NUG/PDFs nor the SAC will be able to eliminate their opposition militarily, nor will any elections or constitutional amendment driven by the SAC create a political settlement that is acceptable to its opposition.
4. ASEAN will not recognise or engage with the NUG alone without engaging with the SAC.

At its core, there are three openings for ASEAN engagement with the EAOs: 1) The FPC as agreed with the SAC should not relegate ASEAN to the backseat, only waiting for or pressuring the Myanmar military to make the first move. All ASEAN countries can conduct efforts for the FPC’s implementation and engage with “all parties concerned.” 2) With the EAOs’ lack of wholehearted commitment to either the NUG or SAC, they form a centre bloc that can make demands of both opposing sides in the conflict. They could take the middle ground in proposing ways forward for the country, rather than sitting on the side lines waiting to pick sides. 3) Both the NUG and SAC have repeatedly courted the EAOs, issued invitations to meetings with them, and have not outlawed them.

In June 2022, the SAC approved the ASEAN Special Envoy’s collective meeting with the respective leaderships of six EAOs, albeit six smaller groups.⁷ While this is little indication of progress, it should open a window for other ASEAN members to consider how to engage with the EAOs. There are of course myriad challenges for engagement given their diversity.

What we know about the EAOs

The EAOs can be divided into three groups. The first comprises those that support the PDFs and command or fight alongside them against the Myanmar military. These include the Chin National Front (CNF), Kachin Independence Army (KIA), Karen National Union (KNU), and the Karenni National Progressive Party (KNPP). Their ground relationships with PDFs and Local Defense Forces (LDFs) are reasonably established, even if trust of the NUG at the political level remains uncertain. The second group comprises those who fight against the Myanmar military but have little or no involvement with the PDFs or NUG, at least not openly. The Kokang group, or Myanmar National Democratic Alliance Army⁸ (MNDAA) and the Ta'ang National Liberation Army⁹ (TNLA) fall into this category.

The third group comprises the EAOs that have stayed out of conflict with the Myanmar military thus far, either extending their own political positions or watching how the duel between the Myanmar military and other resistance forces unfolds. This group includes the Arakan Army (AA), National Democratic Alliance Army (NDAA), and the United Wa State Army (UWSA). It also includes the Shan State Progressive Party (SSPP) and the Restoration Council of Shan State (RCSS), which fought each other in 2021.

Ye Myo Hein's report provides the most updated assessment of EAO conflict and relationship dynamics with the SAC and NUG. It reflects a capricious political arena where EAOs might move between categories within weeks, with ceasefires breaking down and alliances re-aligned. For instance, the AA has reportedly said that it "cannot guarantee peace" if the Myanmar military continues to "interfere" in its setting up of administrative capacities across Rakhine State.¹⁰ Alliances between the KIA and some PDFs could shift if political negotiations with the NUG falter. Conflict in Shan State between the SSPP, TNLA, UWSA, and the RCSS still simmers.

To complicate matters, Myanmar's 20 or so EAOs exhibit diverse attributes. First, in terms of military numbers and territory. The UWSA, for instance, boasts about 30,000 soldiers and full control of two large territories on the Chinese and Thai borders. Smaller groups, like those recently approved to meet with the ASEAN Special Envoy, have hundreds of soldiers or less. Second, by way of political history and culture. Groups like the KIA and KNU are decidedly more Western-leaning in language and political outlook, while the groups emerging from the former Communist Party of Burma – MNDAA, NDAA, and UWSA – operate in Chinese and have closer ties with China.

Third, their political goals. The KIA and KNU have in the past spoken explicitly of self-determination while shifting towards a federal or confederate arrangement, and the AA is seemingly headed towards calls for even greater autonomy. Groups like the MNDAA, NDAA, SSPP, TNLA, and the UWSA seem amenable to high degrees of autonomy within the Union. Many on both sides have also been accused of profiteering from the illicit or conflict economies.

Fourth, their political systems. The KNU, KIA, SSPP, New Mon State Party (NMSP), CNF, and now the AA, have close ties with civil society groups and civilian administrations in their regions, with links to political parties that contest national and state elections.¹¹ The MNDAA, NDAA, and UWSA have almost none, with little conception of a military accountable to civilian rule. Capacity to participate in a national electoral process varies widely between groups – many can organize militarily but lack the knowledge or capacity to enter legislative or electoral processes.

Finally, the groups differ in their capacity to govern and provide social services. The KIA, KNU, NMSP, KNPP, SSPP, UWSA, NDAA, and AA all run administrative services ranging from education and legal justice systems to social support and healthcare. In terms of capability these vary widely. Other EAOs have recently established "councils" that bring political parties, elected MPs, civil society actors,

civilian administrators, and community leaders together under an alliance that seeks to govern areas no longer administered by the SAC due to the conflict. These include Interim Chin National Consultative Council (ICNCC), Kachin Political Interim Coordination Team (KPICT), and the Karenni State Consultative Council (KSCC).¹² These different attributes, and not merely military strength, should influence the considerations of ASEAN members of which EAOs to engage with and how.

Re-aligning efforts within the Five-Point Consensus

ASEAN is struggling to make progress with the SAC on the FPC. Yet, informal engagement directly with the EAOs, which can fall under the spirit of the FPC, has not been explored in earnest. The FPC calls for 1) “immediate cessation of violence”, 2) “constructive dialogue” to seek peaceful solutions, 3) the appointment of an ASEAN Special Envoy, 4) humanitarian assistance from ASEAN through the ASEAN Coordinating Centre on Humanitarian Assistance (AHA Centre), and 5) the visit of the Special Envoy to “all parties concerned”. Points 1, 2, 4, and 5 give ASEAN a reason to engage with the EAOs as “parties concerned,” given their role in the armed conflict, governance of civilian populations, and their centrality to Myanmar’s political future. However, with ongoing levels of escalating violence in the country, point 1 (cessation of violence) is almost impossible as a starting point. The EAOs will naturally privilege their individual security interests under prevailing conditions of nationwide disorder.

ASEAN countries may have reason to engage with the EAOs bilaterally through humanitarian assistance in an informal manner. This can be seen as preparatory work required in support of the AHA Centre’s efforts (Point 4). The UN’s Myanmar Humanitarian Needs Overview 2022 estimated that 14.4 million people, or a quarter of the population, require humanitarian assistance, with 13.2 million classed as food-insecure.¹³ Assistance would legitimately operate alongside the AHA Centre, which was not meant as an institution to solve political crises, as its former Executive Director Adelina Kamal has written.¹⁴ Kamal notes that, “ASEAN should focus its collective political energy to help the crisis-affected people by supporting local non-state actors and networks that the people already trust to distribute aid.”¹⁵ Assistance may be in co-ordination with other local and international actors already providing life-saving assistance to people across Myanmar. This invariably includes the EAOs and their affiliated groups.

The ASEAN Special Envoy (or their affiliates) also has a direct reason to meet and engage with the EAOs as “parties concerned” under Point 5 of the FPC. The Special Envoy has attempted to do this, but currently can only meet, at least officially, with SAC-approved EAOs. ASEAN countries could assist the Special Envoy with expanding this endeavour, at first discreetly in a bilateral capacity, and then by convening to coordinate findings. In the long run, these engagements may prepare the ground for the political dialogue espoused in Point 2.

It is ultimately in ASEAN’s collective interest to find a stable resolution to the crisis, and individual countries’ efforts could come together under the FPC through three principles. First, diversification. ASEAN countries are not limited to reaching out to stakeholders and “parties concerned” as a bloc or solely through the Special Envoy; individual members can approach EAOs based on their existing bilateral relationships and standing. Thailand already has its own Special Envoy. Diversity is a strength for overcoming the political limitations or circumstances of each individual member. ASEAN members could also request the support of India or China to build ties with EAOs on those borders. Second, coordination is essential to ensure that ASEAN members build on their diverse efforts and pool knowledge. This is essential as they would also be building networks of relations by engaging other stakeholders. Third, these efforts must be forward-looking for the longer-term. Building ties may not

necessarily bear fruit in the short run, nor yield immediate insights for dialogue or resolution. But it will pay off in mobilising relationships when the time is ripe, with the mundane work of building trust and capacity among EAOs already done.

ASEAN countries' engagement with the EAOs might work towards four outcomes. First, to create channels of communication that would allow for working relationships, ground updates, and better assessment of conditions and needs. Second, to create multiple viable channels for the delivery of humanitarian assistance. Show and Jolliffe argue that "neighbouring countries and international actors should assist and collaborate with such existing and evolving governance organisations to counter the regional public health crisis, promote safe migration, combat illicit trade, and deliver humanitarian assistance."¹⁶ Again, this includes EAO mechanisms. Third, to build EAO capacity in diplomacy, strategy, governance, and service provision, and enhance their international exposure. Fourth, to explore viewpoints and moot possible areas of common interest with other stakeholders. Engagement might even prompt more EAOs to step forward and take a leading role in Myanmar's future, proposing principles and ideas as bases for a federal framework, rather than passively waiting for terms to be offered. This might have overlaps or improvements on the NUG's Federal Democracy Charter (which some EAOs are already involved in) or any SAC proposals for constitutional reform. Proactive EAO involvement might push both sides to engage more earnestly in national conversations and yield common ground.

ASEAN engagement with the EAOs, and how

ASEAN countries can diversify their actions while still backing the work of the ASEAN Special Envoy. Thailand is best placed to adopt a pragmatic approach to engagement as a direct neighbour. Unlike Indonesia, Malaysia, and Singapore, it has not overtly criticised the SAC, to the chagrin of many. At the recent Shanghai-La Dialogue, Thai Special Envoy Pornpimol Kanchanalak remarked that "condemnations, sanctions, ostracization ... have reached diminishing returns."¹⁷ While criticised online for legitimising the SAC, the Thai approach keeps other options open for ASEAN. Thailand has the capacity as a neighbouring country to reach further afield to other EAOs; it has indeed in the past hosted conversations between EAOs out of concern for its own border stability. It also has a long history of allowing humanitarian assistance to reach the border areas of Myanmar through informal networks and local civil society, and in this regard has good relations with border EAOs. It maintains close ties with the Myanmar military for border security. Thailand can play an important role in consolidating ASEAN's strategy towards Myanmar.

As ASEAN Chair, Cambodia, and later Indonesia, can take a lead in speaking with the SAC and EAO leaderships to get a sense of what is happening on the ground, complementing the work done by other ASEAN countries with other stakeholders. While ASEAN remains hesitant to directly engage the NUG, Malaysia and two other countries have already met with the NUG Foreign Minister.¹⁸ This is a nascent example of the diversification of efforts, hopefully accompanied by later coordination. Similarly, nothing prevents ASEAN member states from pragmatically organising humanitarian assistance via neighbouring countries that operates through local civil society and informal networks. This could rally the support of other Western countries and China (ASEAN+).

At the same time, it would not make sense to support all EAOs equally, given the involvement of some groups in illicit economies, or a lack of accountability to their populations. ASEAN countries can organise humanitarian assistance under Point 4 of the FPC, operating through ethnic minority councils or civil society actors linked with the EAOs, especially those that have a functioning administration and

are able to provide social services and assistance to needy populations. The most direct candidates for this are civil society actors with links to the KNU, KIA, KNPP, CNF, SSPP and NMSP, with several international and local organisations on the borders having the networks to broker assistance to these groups. It would also be worth seeking the support of China, building on its precedent of having bilaterally provided Covid-19 assistance to the EAOs on its border with or without SAC consent.

An ASEAN-led fund or initiative could seek contributions from other international actors for EAOs and their affiliates and operate across the Thai, Indian, or Chinese borders. This aid would run in parallel with assistance already provided in-country by the UN and other NGOs. It would also be part of a diversified approach to humanitarian assistance that also involves dealings with the SAC. For example, assistance has already been provided through the Myanmar Red Cross from the AHA Centre.¹⁹ Another form of assistance for consideration is in education, which does not require logistical support. Online learning and its infrastructure could be supported remotely with far less political baggage. As the UN notes, 12 million have had schooling disrupted, and there is room to explore assistance through remote education.

Other EAOs that have fewer collaborations with civil society and fewer inclusive political processes could see the beginnings of political engagement through invitations to meetings in neighbouring countries. These are perhaps the UWSA, NDAA, AA, and RCSS. The establishment of ties with ASEAN countries is a bold step and will require the right brokers to build trust and convince the EAOs that it is worth their while. ASEAN members like Thailand can lead in relationship building, understanding the views of these important stakeholders pursuant to Point 5 of the FPC, and laying the groundwork for dialogue under Point 2. ASEAN would in effect be running an informal listening tour among the “kingmakers” of the country, then consolidating its findings under the office of the Special Envoy.

Any sustainable political future for Myanmar will have to accommodate the political aspirations of its minority peoples and create spaces for their interests and autonomy. To do this, boldness, vision, and the political will of ASEAN countries will be required to engage with the EAOs, which form the middle ground bloc in the country. The autonomy and aspirations of EAOs may well become models for the rebuilding of Myanmar’s political institutions, economy, and social fabric, and may perhaps over time be able to bring other stakeholders on board.

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This compendium of policy papers, initiated by Centre for Strategic and International Studies (CSIS) Indonesia, seeks to explore the feasible means and approaches to mitigate, if not yet solving, Myanmar's political stalemate and crisis. While it also seeks to explore ways on how the international community can help to sustain democratic elements in the country. We hope that this compendium can provide policymakers as well as relevant regional stakeholders with new insights in probing diplomatic breakthrough in dealing with the Myanmar crisis, and in supporting the future of democracy in the country.

Policy papers from distinguished scholars around the region review the limits of the Five-Point Consensus, identify alignments of interests and approaches between ASEAN and external powers like China and India, as well as with important multilateral organizations like the United Nations . The papers also investigate the position of important local stakeholders, particularly the ethnic armed organizations and means to engage them, as we seek to recommend ways on how to sustain the network of democracy's proponent inside Myanmar, which eventually will contribute in identifying the ways forward for Southeast Asian countries and ASEAN in dealing with the crisis.



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