

CHAPTER 4

The Myanmar Crisis and ASEAN: Implications, Opportunities and Limitations

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Introduction/Brief Background

On January 26, 2021, the Myanmar military intimated the possibility of a takeover,² following through with a power grab on February 1, 2021,³ deposing the National League for Democracy (NLD) government and detaining its senior leaders. The military's seizure of power was mainly motivated by its deep-rooted fear of losing its heretofore privileged and entrenched role in Myanmar's political and economic life, which it had justified for decades as a "guardian role" to protect the country and national security from falling into disintegration and disarray. Adding to this fear for regime security was the military's deep-seated dislike and distrust of the NLD and its leader, Daw Aung San Suu Kyi, who held an iconic status in Myanmar politics in a dual position as the daughter of Myanmar's independence hero General Aung San and as the face of resistance throughout the people's struggle for democracy against military authoritarian rule since 1988. The NLD's rise to political power during the brief decade of democratic transition over 2011 to 2020, paradoxically introduced under the military-backed Union Solidarity and Development Party (USDP) administration led by President Thein Sein, signaled the beginning of the end of the military's long decades of acting with impunity, without accountability.

The February 1 coup disrupted the nascent momentum of further reforms and change that the NLD had undertaken to pursue though hobbled by the provisions of the 2008 military-drafted Constitution

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² San Yamin Aung, "Myanmar Military Refuses to Rule Out Coup as It Presses Claim of Fraud in Nov. Election," *The Irrawaddy*, January 26, 2021, <https://www.irrawaddy.com/news/burma/myanmar-military-refuses-rule-coup-presses-claim-fraud-nov-election.html>.

³ The military had started making statements in the run-up to the November 2020 elections, including calling a meeting (in August 2020) with political parties competing for seats against the NLD, and questioning the credibility of the vote and the responsibility of the Union Election Commission (UEC), appointed by the NLD government to manage the electoral process. Even so, on November 8, 2020, election day, Senior General Min Aung Hlaing, as Commander-in-Chief, stated that he would respect the election results. After the election results had been confirmed with the NLD winning more seats from the USDP than in the 2015 election, the military seemed to distance itself initially from the complaints by the USDP over voter fraud. On November 30, 2020, however, the military announced it would undertake a review of the election process and started making a series of election fraud claims in December 2020. These claims were escalated even further when the UEC refused to entertain the military's demands. The tensions surrounding the military's claims of electoral fraud continued into 2021, with the Senior General bringing this matter up with Chinese Foreign Minister Mr. Wang Yi when the latter visited Myanmar in January 2021.

that protected the military's role in executive and legislative decision-making.⁴ The Myanmar electorate had returned the NLD to a second term in office in the general election held on November 8, 2020, despite perceived shortcomings in the NLD's first-term performance, and despite several ethnic political parties merging to garner more votes in perceived ethnic strongholds.

Immediately upon seizing power, the military issued Notification No. 1/21 on February 1, stating electoral fraud as the main reason for the coup.⁵ That notification also listed five objectives that the military undertook to accomplish by its actions. These five objectives, ranging from reform of the Union Election Commission, COVID-19 prevention and economic recovery, peace negotiations with ethnic armed organizations, and multi-party elections, have since become the junta's Five-Point Road Map and actually precede the junta's formation. On February 2, the military formed the State Administration Council (SAC), chaired by Commander-in-Chief Senior General Min Aung Hlaing, became the country's de facto ruling body.⁶ The SAC junta asserted its representational control via state media and through the various Myanmar missions abroad. However, the military faced – and continues to face – an unprecedented sustained resistance to its attempts to assert control domestically.

Within days of the coup, nationwide protests erupted across the majority of the townships in Myanmar, with hundreds of thousands taking to the streets to demand the release of elected leader Aung San Suu Kyi and the restoration of civilian rule. The military had initially confined elected lawmakers, who were set to take their parliamentary oath on the day of the coup, to their guest quarters in Naypyidaw, then requested them to leave Naypyidaw and return to their various locations. However, about 70 lawmakers, mostly from the NLD, decided to take their parliamentary oath in defiance of the military takeover, and formed the 17-member Committee Representing Pyidaungsu Hluttaw (CRPH) on February 3. A month later, the CRPH would go on to form an incipient National Unity Government (NUG) and confirm the NUG's formal establishment on April 16.

In February, in the immediate days and weeks following the coup, however, the focus – domestic and international – was on the Myanmar people's spontaneous and sustained resistance to military rule, amidst the military's escalating use of violent means to suppress the protests. Security forces

⁴ The 2008 Constitution provides for the Commander-in-Chief of the Myanmar Armed Forces to appoint three cabinet positions: Defence, Home Affairs, and Border Affairs. These three departments hold the primary responsibility for national security, including internal security. The 2008 Constitution also provides for the Commander-in-Chief to appoint military members to 25% of the seats in the upper and lower houses of Myanmar's parliament. That the military has primary (and sole) authority over appointments to these portfolios indicates that the NLD faced considerable constraints in its efforts to civilianize the government and introduce further political reforms.

⁵ Office of the Commander-in-Chief of Defence Services, Republic of the Union of Myanmar, "Notification No. 1/2021," February 1, 2021, <https://www.gnlm.com.mm/republic-of-the-union-of-myanmar-office-of-the-commander-in-chief-of-defence-services-notification-no-1-2021/>.

⁶ "Republic of the Union of Myanmar: Office of the Commander-in-Chief of Defence Services – Order No (9/2021)," Global New Light of Myanmar, February 3, 2021, <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2021-02-03-red.pdf> (downloaded June 14, 2021).

cracked down with brutality on civilian protests, opening fire on unarmed protesters starting February 9, and with increasing deadly intent from February 20 onwards. These brutal crackdowns on protests, night-time raids and arrests, and targeted detention and interrogation of NLD members provoked a response by the anti-junta resistance to mount guerrilla tactics against junta security forces in urban areas. Many protestors fled to areas under control by various ethnic armed organizations (EAOs) for both safety and to seek training in guerrilla fighting and usage of weaponry. The NUG formed a “People’s Defence Force,” or PDF, on May 5, and several local PDF groups emerged soon after. Further, the NUG declared a “People’s Defensive War” against the military on September 7. Since May, however, the Myanmar Buddhist heartland had turned into a war zone, with disproportionate air and land assaults from the military, as well as civilian assassinations and arson attacks decimating the largely rural, farming communities in this area. Despite the military’s announcement of a ceasefire with EAOs, fighting has not completely stopped, either. Several EAOs continue to engage in armed clashes with military troops. Even EAOs that had stayed largely apart from the anti-junta resistance were compelled to condemn the military atrocities against unarmed civilians in a “Christmas Eve massacre” on December 24, in Kayah State where people displaced by conflict had been sheltering from army assaults against ethnic guerrilla forces in that area.

Security Implications of the Coup

In 2022, Myanmar and its people continue to face a bleak future. The SAC junta has not stopped its brutal violence against various communities across Myanmar. It has also remained recalcitrant to ASEAN Five-Point Consensus requirements to which it agreed in April 2021. The Five-Point Consensus, which the ASEAN heads of state and government had impressed upon Senior General Min Aung Hlaing as framework of sorts for returning Myanmar to stability and recovery the lost momentum of democratic transition, included cessation of violence, constructive dialogue, mediation by an ASEAN Envoy, and humanitarian assistance, among its priorities. Soon after accepting this agreed consensus, the SAC declared that implementation of the ASEAN Five-Point Consensus could take place only when there was stability in the country. Acts of violence in the name of establishing stability continued and escalated in the months following the April 2021 ASEAN Leaders’ Meeting on Myanmar. Moreover, the SAC has tried to link the ASEAN Five-Point Consensus implementation to its Five-Point Road Map.

The SAC’s rhetoric on establishing law and order and “peace” in the country has regressed to language used by the State Law and Order Restoration Council/State Peace and Development Council regime over 1988 to 2010. Domestically, the anti-junta resistance remains persistent and determined in urban, rural, Bamar and other ethnic areas alike. Humanitarian needs of communities caught in the crossfire between the Myanmar military and ethnic armed groups/local defense forces are mounting, as are renewed cross-border outflows of people fleeing conflict.

The security implications of the Myanmar crisis are largely domestic in nature, though with an increasing potential for cross-border spill-over.

Displacements

The number of internally displaced people (IDPs) in Myanmar has doubled since February 2021. The UN refugee agency (UNHCR) announced on February 11, 2022 that IDPs have now reached the 800,000 mark amidst deteriorating security and intensified fighting and armed conflict across the country. According to the UNHCR, some 440,000 people have been newly displaced since February 2021, adding to an existing 370,000 displaced prior to the coup. Not surprisingly, the newly displaced people are from regions in Myanmar where hostilities have escalated with junta forces since the coup.⁷

Refugees

The increase in displaced persons fleeing conflict has also added to the number of refugees fleeing into neighboring countries due to the intensified armed conflict after the February 2021 coup. This serves as a reminder of existing refugees, in particular the Rohingya refugees in camps in Bangladesh, who have little if any hope of safe and voluntary return to Myanmar at the present moment. Even prior to the February 2021 coup, progress had been slow towards repatriation and lasting solutions for over 1 million refugees from Myanmar. About 700,000 of these are in Bangladesh, and there are also refugees in “protracted situations” in Thailand, seeking resettlement and other interventions. All are in need of humanitarian assistance, including COVID-19 prevention. The number of people fleeing to across the border to Thailand has also been augmented by several hundred (if not thousands) following the February 2021 coup.

Targeted killings

The military’s brutal crackdown on civilian protestors, and the resultant responses from the anti-junta resistance in the form of armed clashes across Myanmar, has created a steadily mounting tally of civilians killed, injured, or detained. Civilians lose their lives in collateral damage or as targets in military crackdowns on urban and rural communities alike. Anger against the military atrocities has also unleashed anger towards civilians who are suspected of being military collaborators. As a tactic to prevent the junta from enforcing local-level administration, targeted killings are described as “pre-meditated murder of unarmed civilians [...] regarded as supporters or collaborators of the regime,” but the on-ground reality is more nuanced. Many arrests and deaths (some occurring in detention) were due to “informants” who then became targets of guerrilla warnings to the junta. The recently released Annual Peace and Security Review 2020-2021 by the Myanmar Institute for Peace and Security (MIPS) highlights that “targeted killings are no longer a Tatmadaw preserve but are used as a favored

⁷ According to UNHCR, the newly displaced populations are from Kayin, Kayah, Mon and Shan (South) states as well as Bago (East) and Tanintharyi regions. About 190,000 remain displaced in Chin State, Magway and Sagaing regions, where communities are currently experiencing escalating violence from junta forces too. See “Myanmar Emergency Update (as of 1 February 2022),” *ReliefWeb*, February 7, 2022, <https://reliefweb.int/report/myanmar/myanmar-emergency-update-1-february-2022>.

tactic by new armed groups.” The numbers vary widely. The MIPS identified 220 individuals (183 men, 32 women, and 5 children) as victims of targeted killings between January and July 2021. The SAC claimed 933 such victims between February and August 2021. The military proxy Union Solidarity and Development Party (USDP) claimed that 722 USDP “members and supporters” were targeted and killed between February and November 2021.⁸

These security concerns have inevitable reputational and economic consequences. The economy is in a downward spiral, with investors pulling out and business operations disrupted by ongoing violence. Guerrilla groups have targeted major infrastructure investments such as the MyTel telecommunications towers (a joint venture between the Myanmar and Vietnamese military-linked companies), and a strategic oil and gas pipeline project (which is part of China’s Belt and Road investments in Myanmar).

Regional and International Responses since February 2021: Adapting to Realities

While many governments around the world have denounced the military’s power seizure in February 2021, the responses have remained largely on paper. In the days immediately following the coup, Australia, India, Japan, the United Kingdom, the United States and the United Nations Secretary-General, all expressed strong condemnation of the coup. China’s state media reported of a “major cabinet reshuffle” in Myanmar. Among ASEAN countries, Singapore, Indonesia, and Malaysia expressed deep concern, while Thailand and Cambodia viewed the situation in Myanmar as an “internal matter.” The Philippines seemed to share this latter view initially but later shifted to viewing the situation in Myanmar with deep concern.⁹

The United States has imposed targeted sanctions on the coup leaders, their families and associates, and related business interests. New Zealand was among the first to suspend interactions with the SAC, thus rejecting the SAC’s assertions of legitimacy. While not recognizing the SAC as the legitimate representative of Myanmar, countries in the region and around the world have stopped short of according formal recognition to the NUG, which is also asserting that it represents the legitimate interests of the Myanmar voters. ASEAN as a grouping has also been wary of formally engaging with the CRPH and NUG. There are some exceptions. The European Parliament and the French Senate passed resolutions in October 2021 expressing their support for the NUG as the “legitimate representative” of Myanmar, and the Czech Republic had earlier announced its recognition of the NUG’s Liaison Officer in May.¹⁰

⁸ Myanmar Institute for Peace and Security (MIPS), Annual Peace and Security Review 2020-21.

⁹ Sharon Seah, “The Coup in Myanmar: ASEAN is not without options,” *ISEAS-Yusof Ishak Institute*, February 3, 2021, <https://fulcrum.sg/the-coup-in-myanmar-asean-is-not-without-options/>.

¹⁰ Moe Thuzar, “Recognition is the Name of the Game,” *ISEAS-Yusof Ishak Institute*, December 6, 2021, <https://fulcrum.sg/myanmar-recognition-is-the-name-of-the-game/>.

Perhaps the most expressive voicing of the international community's overall attitude towards the Myanmar military and the coup it mounted in February 2021 can be found in the UN General Assembly's adoption in June 2021 of a resolution formally condemning the coup and calling for an arms embargo. The resolution was approved with a vote of 119 to 1 (Belarus, which called for the resolution to be put to a vote, voted against), and 36 abstentions (including China, Russia, India, and ASEAN members Brunei, Laos, Cambodia and Thailand).¹¹ Myanmar, then represented by its NLD-appointed ambassador who in February 2021 had openly declared his support for the anti-junta resistance, voted in favor of the resolution. The Myanmar ambassador continues in Myanmar's UN seat after his status quo credentials were confirmed in September 2021 in a rare instance of a shared view by the United States and China on the SAC's regime's representational unacceptability.¹²

The UN General Assembly adopted a resolution with the support of 119 countries several months after the military overthrew Aung San Suu Kyi's elected government in the February 1 coup. Belarus requested the text be put to a vote and was the only country to oppose it, while 36 abstained, including China and Russia.

These different responses and revealed preferences show to what extent this coup is unprecedented in many respects, as is the resistance to it (and the consequences). As such, regional groupings like ASEAN have had to adapt and adjust responses to the coup to the realities of the current crisis in Myanmar. In fact, ASEAN is still in that process of adapting and adjusting its response; in the process of doing so, new precedents are now emerging that may possibly affect how ASEAN as a regional grouping further evolves in the 21st century. These new precedents may indicate how ASEAN as a grouping is evolving or adapting its fundamental principles to meet new realities and challenges, most of which have been caused by how ASEAN has been required to respond to crisis situations in Myanmar.

Principles matter but are not hide-bound

In matters where a situation in a member state has the potential to affect regional security, ASEAN has shown some flexibility on its principles on sovereignty and non-interference in internal affairs. Former ASEAN Secretary-General Rodolfo Severino provides some broad criteria of instances when a state is unable to protect its own citizens from "massive and grievous harm" such as when "a domestic event has a severe impact on neighboring countries and peoples or affects regional peace and stability" (Severino, 2010). In such cases, he argued, "intervention would not be interference but either humanitarian action or self-defence," citing, among others, the Philippine political crisis in 1986, transboundary haze pollution from land and forest fires in Indonesia, and the situation in

¹¹ U.S. Embassy Burma (@USEmbassyBurma), Twitter Post, June 19, 2021, <https://twitter.com/USEmbassyBurma/status/1406152339409444871?s=20>.

¹² Moe Thuzar and Romain Caillaud, "Myanmar and the United Nations: Fighting for a Seat at the Table," *ISEAS-Yusof Ishak Institute*, September 16, 2021, <https://fulcrum.sg/myanmar-and-the-united-nations-fighting-for-a-seat-at-the-table/>.

Myanmar.¹³ ASEAN's position and rationale for intervention – albeit at the diplomatic level and still working within the framework of intergovernmental cooperation – show some recognition of the “responsibility to protect” (R2P) principle in that regional action is justified when a member state is unable to protect its own citizens. Experts studying R2P have observed this as a shift from non-interference to “non-indifference.”

In this context of regional security, ASEAN's non-interference principle has faced most of its tests in the grouping's various responses to or interventions in Myanmar since 2003. Since then to date, the fundamentals of ASEAN's position on Myanmar have remained consistent in its broad ambits. Prior to the power transition from the State Peace and Development Council military regime to the military-backed Union Solidarity and Development Party government via elections in 2010, ASEAN's statements on Myanmar stressed the importance of national reconciliation in Myanmar, and for conducting general elections in a free, fair and inclusive manner. ASEAN has also consistently called on de facto authorities in Myanmar to release those under detention, including (and foremost) Aung San Suu Kyi.

ASEAN has also been consistent in maintaining its position of not favoring economic sanctions or boycotts to bring about change in Myanmar's internal situation, favoring instead its “quiet diplomacy” approach, combined with more robust internal conversations with the Myanmar representative at ASEAN's closed-door political meetings. ASEAN's rationale against sanctions is linked to human security considerations; ASEAN views sanctions to be “ineffective, counter-productive and harmful to the people of Myanmar.”¹⁴

ASEAN's reasoning or justification for its position on Myanmar shows the extent to which regional security provides an important consideration in both past and present instances. Indeed, ASEAN has built upon its past experience in dealing with Myanmar for its present position seeking accountability for the SAC junta's actions.

Past practices, new precedents

In its initial responses to the 2021 coup in Myanmar, ASEAN referred to its past experience with previous military regimes in Myanmar, starting first with statements as first step, then efforts at diplomatic engagement with the military (which ASEAN continues to view as part of the problem and thus the solution). Statements reflecting the collective ASEAN position however, included new nuances that signal a different attitude from the past.

¹³ Rodolfo Severino, *Know Your ASEAN* (2nd edition) (Singapore: Institute of Southeast Asian Studies (ISEAS), Singapore, 2010) pp.8-13.

¹⁴ *Ibid.*

Recent developments starting in October 2021 show that ASEAN is breaking somewhat with past practices or historical patterns. Prior to that, ASEAN was facing a credibility challenge both in Myanmar and internationally.

On October 15, the emergency meeting of ASEAN foreign ministers, in the presence of – and despite reservations expressed by – the SAC-appointed foreign minister, decided that for the 38th and 39th ASEAN Summits and related Summits to be convened virtually from October 23 to October 26 only a “non-political representative” from Myanmar would be invited, effectively barring the SAC chief and/or any ministerial-level nominee or representative of the SAC from attending the grouping’s highest-level meetings. The Chairman’s statement issued at the end of that emergency meeting also mentioned the NUG by name for the first time in an official ASEAN document. The reason for ASEAN’s decision to disinvite the SAC was related to the SAC’s lack of progress (and commitment) in implementing the agreement on the Five-Point Consensus which ASEAN heads of state and government had negotiated with Senior General Min Aung Hlaing in April 2021.

Though the SAC retaliated to this disinvite by not sending any representative to the ASEAN Summits, and challenging ASEAN on its Charter provisions, ASEAN held firm to its emphasis of the centrality of ASEAN decisions. It is noteworthy that even ASEAN countries perceived as sympathetic to the SAC’s position adhered to the collective ASEAN decision. Cambodian Prime Minister Hun Sen, as the incoming ASEAN Chair for 2022, was especially vocal in stating that the SAC had brought about Myanmar’s absence at the ASEAN Summits upon itself. Thailand’s Prime Minister Prayut Chan-Ocha urged the SAC to cooperate with the ASEAN process.

This adherence to the decision to invite only a non-political representative held for special ASEAN-China Summit held on November 22. China bowed to the ASEAN position, which several ASEAN member states affirmed prior to that summit.

Although ASEAN has initiated no formal engagement as yet with either NUG or CRPH, some engagement has started at the think-tank/Track Two level. The Center for Strategic and International Studies (CSIS) Indonesia invited the NUG Ambassador to ASEAN to a panel discussion on Myanmar, on January 27, 2022. This is a welcome and interesting development.

ASEAN collectively has also held firm to its October 2021 decision on limiting the SAC’s participation at key political meetings until there is discernible progress in meeting the ASEAN Five-Point Consensus priorities. In early January 2022, ASEAN rotational Chair for the year, Cambodia, experienced at first-hand how the SAC junta could manipulate the ASEAN space to its perceived advantage and also experienced the firm commitment with which ASEAN member states collectively adhered to its now default position on Myanmar. On February 3, 2022, ASEAN’s decision to invite only a non-political representative from Myanmar was expanded to include the

annual ASEAN Foreign Ministers' Retreat. The SAC responded to this recent development by again refusing to send any representative.

These recent events show that ASEAN is gradually changing how it engages recalcitrant members. Since Myanmar's membership in 1997, the main recalcitrant member seems to have been Myanmar, be it the generals' reluctance to cede power prior to 2010, or the Thein Sein administration's refusal to consider the Rohingya issue on the regional agenda, or even the NLD administration's scoping of the ASEAN space and available institutional mechanisms, regarding the 2016-17 Rohingya crisis, by keeping the response closer to humanitarian lines.

ASEAN's current position regarding the SAC's representation at ASEAN's key, high-level political meetings is grounded in 1) highlighting the accountability of the SAC on their actions regarding the February 2021 coup and aftermath, 2) resisting the SAC's moves to shape or influence the ASEAN process towards its narrow interests, 3) repairing the reputational damage that the SAC's disregard of the ASEAN process, particularly the Five-Point Consensus priorities, and 4) acknowledging the regional security implications arising from the continuing escalation of violence in the country.

ASEAN is clear about the flexibility for intervening in a member state's affairs if the situation there affects regional stability. In the past, these interventions were more of a diplomatic nature; statements of concern, at times accompanied by quiet diplomacy. But, as the UN Secretary-General's Special Envoy for Myanmar, Dr. Noeleen Heyzer, had observed earlier, in her capacity as a member of the UN Secretary-General's High-Level Advisory Board on Mediation, "We have to accept the fact that the age of quiet diplomacy is over in the age of social media" and that "ASEAN's diplomacy needs to reflect this new reality."

ASEAN has grappled with that latter imperative since the coup. ASEAN's earlier attempts, up to the point of the ASEAN Leaders Meeting on Myanmar on April 24, 2021, were, in fact, efforts to keep up with the reality of what was happening on the ground in Myanmar, and the ground sentiments towards the SAC's promise of elections and restoration of stability. However, ASEAN's initial efforts to prioritize diplomacy and dialogue received a wake-up call by images of Myanmar protestors burning the ASEAN flag in June 2021 and the activism on social media by Myanmar protestors.

In that context, it is interesting to note which are the forces within ASEAN driving change in practice/policy towards Myanmar, the four countries that the media usually names – Indonesia, Singapore, Malaysia, and Brunei (in its capacity as the ASEAN Chair for 2021) – are treating the Myanmar crisis and ASEAN's response to it as a matter of principle – adherence to the ASEAN Charter and upholding the centrality of regional commitments as national obligations.

The public dimension of any crisis in this age of instantaneous information is also an important factor for regional responses to the current Myanmar crisis. The internet has broadened and flattened access to information, and, with this increased exposure and access to information, the Myanmar populace – particularly the younger generations – have heightened expectations for action and response.

Unlike the post-coup situation in 1988 or the aftermath of the Saffron Revolution in 2007, images of events and developments in Myanmar today are spread and shared across mobile-phone, tablet, computer and television screens worldwide. With each tragic turn of events since February 1, the expectations – and frustrations – reach higher levels, for “effective” action or response from the regional and international community. These frustrations in Myanmar mounted higher in 2021 with perceived inaction from ASEAN, which, in Southeast Asia, is the regional grouping by default.

Many in Myanmar are aware that the country is an ASEAN member state. Many in Myanmar are also aware of ASEAN’s (sole) successful breakthrough in 2008 in brokering coordination of humanitarian assistance for Myanmar, in partnership with the UN and members of the international community, in the name of addressing humanitarian and human security needs after Cyclone Nargis. This has added some pressure on how ASEAN acts and responds to the current confluence of crises in Myanmar.

Can this pressure – or some existing pressure points – bring about more opportunities for future regional action on Myanmar?

Pressure Points, Opportunities, and Limitations

What might be some pressure points that could become opportunities for ASEAN to pursue its response to the Myanmar crisis?

The main challenge continues to be the SAC’s refusal to consider ASEAN attempts to mediate a solution in Myanmar. The polarized nature of the political crisis in Myanmar suggests that any effort to bring different stakeholders to the negotiation table is not feasible, but this situation also highlights where ASEAN can engage in shuttle diplomacy among/between the different stakeholders in Myanmar, including on the virtual platform. This will constitute a longer process of confidence-building among parties who have no trust or confidence in the other, in a country where promises and trust have been broken time and again.

The differing views and positions within ASEAN towards the Myanmar crisis, and the military junta may also be considered as limitations. In the weeks and months following the coup, ASEAN’s diversity of views was openly discussed and criticized in the media; and the June 2021 vote at the UN General Assembly showed four ASEAN states, three of them mainland states, abstaining from

the vote. Still, the fact that ASEAN's decision to disinvite the SAC to the ASEAN Summits is now ASEAN's default position may mean that despite individual views, ASEAN is collectively holding the line on Myanmar (for now).

The economic collapse and impact of the COVID-19 pandemic have so far not shaken the SAC out of its stubborn position. But this does not mean that the internal implosions or the consequences of targeted economic sanctions on SAC members, their families and associates have not affected the SAC. The capital flight and FDI divestments have also jolted the SAC as to its economic vulnerability.

There have also been bilateral diplomacy initiatives in late 2021 that suggest that a collective and coordinated diplomatic initiative may be necessary to send a consistent message to the SAC.

- The renewed fighting between the Arakan Army (AA) and the Myanmar army in Rakhine State jolted the SAC enough to seek bilateral diplomacy from Mr. Yohei Sasakawa – who had negotiated a ceasefire between the AA and the Myanmar Army in November 2020 – to again bring about a ceasefire with the AA. The Japanese Government has distanced itself from Mr. Sasakawa's Myanmar visit. But Japan, as an ASEAN Dialogue Partner, also has significant business and investment interests in Myanmar.
- The humanitarian situation along the Thai-Myanmar border as a combination of both COVID-19 and the coup has also prompted Thailand to exercise its own bilateral diplomacy with Naypyidaw. Thailand has contributed to the first batch in Phase 1 of ASEAN's humanitarian assistance for Myanmar, in the context of COVID-19, and has also been in discussion with representatives from ASEAN Dialogue Partners such as the US on cross-border delivery of humanitarian aid.

The decision to disinvite Min Aung Hlaing or a ministerial representative to ASEAN Summits now seems set to become a precedent of sorts for ASEAN in sending a message to the SAC junta about upholding its ASEAN commitments. Even if ASEAN's internal views may differ on this, none of the nine ASEAN member states that agreed to this decision are going against it. So, the mainland-maritime split may make for good headlines, but the bottom line is that ASEAN is holding the line collectively. And the four countries that I mentioned, which are the "leading forces" in ASEAN on Myanmar, so to speak, are going to ensure that the line continues to be held.

This diplomatic pressure that ASEAN exerts does not extend to working-level, day-to-day ASEAN meetings. SAC-appointed ministers in sectors other than foreign affairs, or senior officials and civil servants in a bureaucracy that is now under the SAC thumb, are all attending these meetings, at times with ASEAN Dialogue Partners too. So, there is a distinction between the political and the pragmatic in ASEAN.

At the same time, Myanmar's ratification of the Regional Comprehensive Economic Partnership (RCEP) is still pending. The NLD government had signed the RCEP in November 2020, and after the coup, the SAC sent the instrument of ratification, which has not been accepted as yet. The list of ASEAN Foreign Ministers on the ASEAN Secretariat website does not list the SAC's Wunna Maung Lwin. Daw Aung San Suu Kyi's name appears with her Foreign Minister counterparts in the list of members of the ASEAN Coordinating Council.

So, ASEAN is clearly not accepting the SAC as having any authority to speak for Myanmar at the head of state/government level. However, the daily business of coordinating regional cooperation in the many sectors and areas, continues with civil servants as the main focal points of communication. This distinction between Myanmar the member state as opposed to Myanmar represented by the SAC is important, as it might pressure the SAC to start considering a more compromising attitude (as its predecessor regime, SPDC had done in the past). If the SAC does do so – although MAH's ego does not seem to point that way currently – then ASEAN might have the opportunity to discuss more progressive engagement of sorts, along the lines of alleviating the condition of the people of Myanmar. ASEAN currently has a humanitarian effort ongoing for Myanmar, but is hampered by the inability to have humanitarian boots on the ground, so to speak. This is very different from the situation in the 2008 Nargis response, where rapid assessment teams, as well as an ASEAN task force office in Yangon, were present in Myanmar for on-ground coordination as well as policy-level discussions with the then government of Myanmar and the UN in a tripartite consultation mechanism.

This past experience or model of working together with the UN for the people of Myanmar can present the grounds for another opportunity. The security aspects of the impact of armed clashes on civilians may merit ASEAN's reaching out to the UN Security Council. Myanmar is lower in the global spotlight on crisis situations compared to Syria, Yemen, Afghanistan and Ethiopia, even though the number of armed clashes and attacks on civilians in Myanmar is comparable to Syria, Yemen and Afghanistan.¹⁵

Looking ahead: interests, individuals and institutions

The main question here is about whether the wider Asia-Pacific region, mainly those countries in Asia-Pacific who are also ASEAN Dialogue Partners, and the broader international community, would support and follow the ASEAN approach. The default responsibility still lies with ASEAN. And if ASEAN is asserting its central role, it needs to take the lead for an international coalition effort. The international community – especially ASEAN's Dialogue Partners – have expressed support for ASEAN's Five-Point Consensus approach, and the ongoing ASEAN efforts, including

¹⁵ ALTSEAN-Burma, "Coup Watch Special Edition – A year of struggle in Burma," February 9, 2022, <https://drive.google.com/file/d/1HVBxueW7sH2k6FHnP1QZmhEjAbE1J7Zt/view>.

the humanitarian assistance pledging conference in August 2021 and the initial deliveries of aid to Myanmar, albeit through the Myanmar Red Cross on the ground in Myanmar.

The outlook for 2022 remains uncertain on whether ASEAN be a broker in a negotiated settlement between the Tatmadaw and the oppositional forces, in the interest of regional security. ASEAN's Five-Point Consensus does not directly address the security dimension of the Myanmar crisis beyond humanitarian assistance and efforts to find mediatable points towards a constructive dialogue. The broad framework of the Five-Point Consensus will need to be thrashed out into specific measures and actions towards accomplishing the broad objectives that it sets out for cessation of violence, and consulting with all key stakeholders towards mediating a constructive outcome.

The office and mandate of the ASEAN Envoy – especially if it rotates annually – must be further empowered with a collective institutional responsibility that all ASEAN member states subscribe to and support. The Special Envoys of both ASEAN and the UN will also need to consult and confer with each other for more concerted action on Myanmar internationally, even as ASEAN is assumed to have primary responsibility in dealing with Myanmar. Bilateral diplomacy and envoys must also be persuaded to work with ASEAN rather than pursue narrow diplomatic objectives.

At the present moment, it can be expected that every head-of-state level engagement with ASEAN will not include Min Aung Hlaing. Though significant, it is also only the extent of the pressure that ASEAN can feasibly exert, while there are heightened expectations in and outside Myanmar on more measures and pressure.

Working with key ASEAN Dialogue Partners also has its limits. ASEAN continues to balance geopolitical rivalry between the United States and China in Southeast Asia. Clearly concerned about the cross-border security implications of the Myanmar crisis, and keen to protect its economic interests in Myanmar, China does not seem willing to use its regional and international political capital to make the junta's case, but it is also hesitant to bring its influence to bear on the junta.

The various security implications of the Myanmar crisis may present a window of opportunity for ASEAN to work together with Dialogue Partners, particularly those that share borders with Myanmar, to address health and human security concerns, and alleviate the plight of refugees.

However, progress seems to hinge on whether the Myanmar military noticeably starts moving in the direction of implementing the ASEAN Five-Point Consensus, most importantly cessation of violence and allowing greater access by regional (and international) humanitarian actors.