



Indonesia's ASEAN Chairmanship: What will ASEAN do on the Myanmar Crisis?

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On 3-4 February 2023, ASEAN had a foreign ministers' retreat in Jakarta. In the ASEAN system, the foreign ministers' retreat is significant as this meeting sets up priorities and directions of ASEAN under the leadership of the Chair being Indonesia this year.¹

Regarding the Myanmar crisis stemmed from the military coup in February 2021, three points can be observed from outcomes of the retreat, namely ASEAN's approaches towards the Myanmar crisis under Indonesia's Chairmanship, the new ASEAN Special Envoy, and ASEAN's position on junta-organized elections.

ASEAN's Approaches towards the Myanmar Crisis under Indonesia's Chairmanship

First, as ASEAN Chair, Indonesia has officially put forward its ways to deal with the Myanmar crisis and operationalize the Five-Point Consensus. There are three approaches: (1) to engage with all stakeholders, (2) to build conducive conditions to pave the way for an inclusive dialogue, and (3) to synergize ASEAN efforts with neighbouring, concerned countries and Special Envoys of the UN and other countries.²

Indonesia publicly shared the first and second approaches but did not offer details for the third approach. For the first approach, as ASEAN Chair, Indonesia emphasizes on meeting all stakeholders. Indonesia's Foreign Minister Retno Marsudi already shared her "initial engagements with all stakeholders" to her ASEAN counterparts during the recent retreat.³

It is not publicly known who those stakeholders are that Retno has met so far. However, past statements from her and her officials might give a sense. Stakeholders that she likely referred to

¹ Moe Thuzar and Hoang Thi Ha. 26 February 2018. "ASEAN Retreat: Origins and Functions". ASEAN Matters. Issues 01/2018. Available at <https://www.iseas.edu.sg/images/pdf/ASEANMattersIssue1.pdf>

² Ministry of Foreign Affairs of the Republic of Indonesia. 3 February 2023. "Press Briefing H.E. Retno L. P. Marsudi ASEAN Foreign Ministers' Retreat". Available at https://kemlu.go.id/portal/en/read/4397/siaran_pers/press-briefing-he-retno-l-p-marsudi-minister-for-foreign-affairs-of-the-republic-of-indonesia-asean-foreign-ministers-retreat

³ Ibid.

are the Myanmar military regime and the National Unity Government (NUG). After the special meeting on Myanmar by ASEAN Foreign Ministers on 27 October 2022 in Jakarta, Retno said ASEAN's engagement with the Myanmar military regime is only part of all engagements.⁴ On the same day, Sidharto Suryadipuro, Indonesia's Foreign Ministry Director General for ASEAN Cooperation said NUG would be one of the stakeholders.⁵

A former high-level personality, who directly involved in ASEAN's process in dealing with the Myanmar crisis, also confirmed this. In a recent interview, former Malaysia's Foreign Minister Saifuddin Abdullah stated that "Retno Marsudi has met, or if not her, her team has met NUG".⁶

For the second approach, Indonesia noted two important issues for conducive conditions to pave the way for an inclusive dialogue. They are "reducing violence and humanitarian assistance".⁷ It remains to be seen how ASEAN, under the leadership of Indonesia, will address these two important aspects, given that both the Myanmar junta and the NUG have continued to see each other as "terrorists".⁸

For the third approach on the desire for synergy between ASEAN efforts and other external partners, it is understandable that Indonesia has not publicly shared any details. The process for these kinds of engagements takes time and patience because many different interests of relevant countries are involved.

ASEAN Special Envoy on Myanmar not Appointed during the Retreat

Second, there is no mention of appointing the ASEAN Special Envoy on Myanmar in the aftermath of the retreat.⁹ When Cambodia was the Chair last year, during the ASEAN Senior Officials' Meeting on 5 January 2022, ASEAN endorsed Deputy Prime Minister and Foreign Minister of Cambodia Prak Sokhonn as the Special Envoy of the ASEAN Chair, succeeding Brunei's Second Foreign Minister Dato Erywan Yusof who served in this capacity during Brunei's chairmanship a year earlier.¹⁰ This endorsement was made after Prime Minister Hun Sen publicly announced his nomination of Cambodia's Foreign Minister on 15 December 2021, even before Cambodia

⁴ Arlina Arshad. 27 October 2022. "Indonesia's Retno calls for all-round engagement in Myanmar as Asean's peace plan falters". The Strait Times. Available at <https://www.straitstimes.com/asia/se-asia/indonesia-s-retno-calls-for-all-round-engagement-in-myanmar-as-asean-s-peace-plan-falters>

⁵ Ibid.

⁶ Khin Maung Soe. 7 February 2023. "INTERVIEW: 'There is light at the end of the tunnel'". Radio Free Asia. Available at <https://www.rfa.org/english/news/myanmar/saifuddinmyanmar-02072023174450.html>

⁷ Ministry of Foreign Affairs of the Republic of Indonesia. 3 February 2023. "Press Briefing H.E. Retno L. P. Marsudi ASEAN Foreign Ministers' Retreat". Available at https://kemlu.go.id/portal/en/read/4397/siaran_pers/press-briefing-he-retno-l-p-marsudi-minister-for-foreign-affairs-of-the-republic-of-indonesia-asean-foreign-ministers-retreat

⁸ Reuters. 8 May 2021. "Myanmar's junta brands rival government a terrorist group". Available at <https://www.reuters.com/world/asia-pacific/myanmars-junta-brands-rival-government-terrorist-group-2021-05-08/>
The Irrawaddy. 15 December 2021. "International Envoys Label Myanmar Junta Terrorist Organization". Available at <https://www.irrawaddy.com/news/burma/international-envoys-label-myanmar-junta-terrorist-organization.html>

⁹ ASEAN. 4 February 2023. "Press Statement by the Chair of the 32nd ASEAN Coordinating Council (ACC) Meeting and ASEAN Foreign Ministers' Retreat". Available at <https://asean.org/wp-content/uploads/2023/02/CHAIRS-PRESS-STATEMENT-32nd-ACC-AMM-RETREAT.pdf>

¹⁰ Thai PBS. 6 January 2022. "ASEAN endorses Prak Sokhonn as special envoy". Available at <https://www.thaipbsworld.com/asean-endorses-prak-sokhonn-as-special-envoy/>

officially assumed the ASEAN Chairmanship in 2022.¹¹ The endorsement was further formalized during the ASEAN retreat on 16-17 February 2022 in Phnom Penh.¹²

The same did not happen after the ASEAN retreat this year. The reason behind this might be that there are still ongoing discussions among ASEAN members to reach a consensus on Indonesia's proposal on the personality and roles of the ASEAN Special Envoy.

In her annual press statement on 11 January 2023, which outlines Indonesia's foreign policy priorities this year, Foreign Minister Retno said "The Office of Special Envoy" will be established and led by herself.¹³ This is interesting because it can be implied that Retno will not be the Special Envoy herself. Someone else might take over as the Special Envoy. This style differs from Brunei and Cambodia, the two ASEAN previous chairs. A Bloomberg report hinted that Indonesia is considering appointing the country's Coordinating Minister of Maritime and Investment Luhut Panjaitan as the ASEAN Special Envoy on Myanmar.¹⁴ Luhut's background is a four-star general turned government minister and businessman. Luhut said he is "unaware" of such discussions.¹⁵ The Office of the President of Indonesia is reported to not respond to requests to give comments on this matter.¹⁶

Earlier this month, Indonesia's President Joko Widodo told Reuters that Indonesia plans to send a top general to Myanmar to talk to the junta to share experience on how Indonesia made a successful transition to democracy.¹⁷ He did not name that general.

Interestingly, Luhut made a headline comment on Myanmar in January this year. In a panel discussion at the World Economic Forum in Davos, he said the Myanmar military should hand over to qualified people. He stated:

*There are so many militaries in charge of government, but if you are not qualified, why should you be president? Let someone else who is qualified manage this country like what happened in Indonesia.*¹⁸

¹¹ Khmer Times. 15 December 2021. "DPM Prak Sokhonn to be nominated new ASEAN envoy to Myanmar".

Available at <https://www.khmertimeskh.com/50989007/dpm-prak-sokhonn-to-be-nominated-new-asean-envoy-to-myanmar/>

¹² ASEAN. 18 February 2022. "Press Statement by the Chairman of the ASEAN Foreign Ministers' Retreat (AMM Retreat) 16-17 February 2022". Available at <https://asean.org/wp-content/uploads/2022/02/2nd-round-consolidated-draft-Press-Statement-final.pdf>

¹³ Ministry of Foreign Affairs of the Republic of Indonesia. 11 January 2023. "PPTM 2023: "Leadership in A Challenging World" | Annual Press Statement 2023". Available at <https://www.youtube.com/watch?v=Nyhnk4pdx-w>

¹⁴ Faris Mokhtar and Chandara Asmara. 8 February 2023. "Indonesia Considers Appointing General-Turned-Minister as Asean's Myanmar Envoy". Bloomberg. Available at <https://www.bloomberg.com/news/articles/2023-02-07/indonesia-mulls-general-turned-minister-as-asean-s-myanmar-envoy#xj4y7vzkg>

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Kate Lamb, Gayatri Suroyo and Ananda Teresia. "Indonesia to send general to Myanmar to highlight transition, president says". Reuters. Available at <https://www.reuters.com/world/asia-pacific/indonesia-send-general-myanmar-highlight-transition-president-says-2023-02-01/>

¹⁸ Bloomberg News. 18 January 2023. "Indonesia tells Myanmar to let 'qualified people' take charge". Available at <https://www.bangkokpost.com/world/2485680/indonesia-tells-myanmar-to-let-qualified-people-take-charge>

In addition to the question of personality, another critical aspect is the role of the ASEAN Special Envoy. This might be an important reason for the continued discussions on the appointment of the Special Envoy. This aspect is hinted at late last year in Phnom Penh. ASEAN leaders issued a decision concluding that there is “little progress achieved” in implementing the Five-Point Consensus.¹⁹ They tasked the ASEAN Foreign Ministers to develop an “implementation plan that outlines concrete, practical, and measurable indicators with specific timeline to support the Five-Point Consensus”.²⁰ The statement also added that “ASEAN shall consider exploring other approaches that could support the implementation of the Five-Point Consensus”.²¹

These clauses give Indonesia as ASEAN Chair this year flexibility to propose and shape the roles of the Special Envoy. Some important considerations that ASEAN under Indonesia’s chairmanship might need further deliberations such as (1) types of the Special Envoy that fit to the ASEAN’s “implementation plan” on operationalizing the Five-Point Consensus, and (2) discussion on whether to shift the Special Envoy from being the envoy of the ASEAN Chair – which rotates yearly—to the envoy of the whole ASEAN with longer duration and more expanded mandates. ASEAN’s decision on these matters will be critical for the regional bloc’s approaches on the Myanmar crisis.

No mention of ASEAN’s Position on Potential Junta-organized Elections

Third, ASEAN Chair’s Press Statement after the retreat made no mention of the ASEAN’s position on potential junta-organized elections. Like the question of the ASEAN Special Envoy, ASEAN might still have continued discussions to forge a consensus on how the regional bloc will respond to the potential junta-organized elections. The discussion process might take some time because while ASEAN members shared the view that “The Five-Point Consensus shall remain our valid reference and should be implemented in its entirety”,²² their stances and tactics might differ, particularly on engagements with the junta.²³

Obviously, junta-organized elections, which do not involve Myanmar’s democratically-elected leader Aung San Suu Kyi, violate the spirit of the ASEAN Five Point Consensus, which states that “constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people”.²⁴ Aung San Suu Kyi is one of the most important “parties concerned”

¹⁹ ASEAN. 11 November 2022. ASEAN Leaders’ Review And Decision On The Implementation Of The Five-Point Consensus. Available at https://asean.org/wp-content/uploads/2022/11/06-ASEAN-Leaders-Review-and-Decision-on-the-Implementation-of-the-Five-Point-Consensus_fin.pdf

²⁰ Ibid.

²¹ Ibid.

²² ASEAN. 11 November 2022. ASEAN Leaders’ Review And Decision On The Implementation Of The Five-Point Consensus. Available at https://asean.org/wp-content/uploads/2022/11/06-ASEAN-Leaders-Review-and-Decision-on-the-Implementation-of-the-Five-Point-Consensus_fin.pdf

²³ Thomas Andrews. 31 January 2023. “Illegal and Illegitimate: Examining the Myanmar Military’s Claim as the Government of Myanmar and the International Response”. United Nations Office of High Commissioner on Human Rights. Available at <https://www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/crp-sr-myanmar-2023-01-31.pdf>

²⁴ ASEAN. 24 April 2021. “Five-Point Consensus”. Available at <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>

that cannot be excluded because she has a strong democratic mandate to govern Myanmar. In the 8 November 2020 elections, her party, the National League for Democracy (NLD) won 396 out of 498 seats, with the voter turnout of 37 million people, or about 70% of the whole Myanmar's population.²⁵

The junta has appeared determined to organize elections in August this year in a bid to try to legitimize its ruling.²⁶ In a speech on 4 January this year, Junta chief Min Aung Hlaing stated that having elections is pivotal in “the revitalization of the genuine, discipline-flourishing multiparty democratic system”.²⁷ He called for partner organizations, countries and the Myanmar people to support the military regime in preparing for the upcoming elections.²⁸ On 27 January, the junta set out a strict new law on political parties that bars parties and candidates deemed to have links to individuals or organizations “designated as committing terror acts” or seen as “unlawful”.²⁹

This law is designed to prevent anyone linking to the deposed Aung San Suu Kyi and NUG from involving in any electoral process. Since the military ousted her democratically-elected government in February 2021, Myanmar's Aung San Suu Kyi has been under house arrest. She then has faced trials on 19 charges.³⁰ As of late last year, the junta court sentenced her to an overall jail time of 33 years on a slew of charges such as corruption, breaching Covid rules, importing walkie-talkies and violating the official secrets act.³¹

In attempts to give appearances of multiparty components for the upcoming planned elections, the military regime has also lured ethnic political parties to join this whole electoral process by promising their groups more power and autonomy.³²

Despite these efforts, the junta recently cast doubts concerning the possibility of having elections in August this year. Late last month Zaw Min Tun, Myanmar junta spokesperson, said: “I can't say for sure right now. All I can only say is that we are working hard to hold the elections this year;

²⁵ Zsombor Peter. 15 November 2020. “Aung San Suu Kyi, NLD Win Second Landslide Election in Myanmar”. Voice of America. Available at https://www.voanews.com/a/east-asia-pacific_aung-san-suu-kyi-nld-win-second-landslide-election-myanmar/6198393.html

The Irrawaddy. 11 November 2020. “Myanmar's 2020 General Election Results in Numbers”. Available at <https://www.irrawaddy.com/elections/myanmars-2020-general-election-results-numbers.html>

²⁶ Bloomberg News. 24 December 2021. “Myanmar junta says will hold election in August 2023”. Available at <https://www.bangkokpost.com/world/2237347/myanmar-junta-says-will-hold-election-in-august-2023>

²⁷ Ministry of Information, Naypyitaw. 5 January 2023. “Speech delivered by State Administration Council Chairman Prime Minister Senior General Thadde Maha Thray Sithu Thadde Thiri Thudhamma Min Aung Hlaing on Diamond Jubilee Independence Day 2023”. Available at https://myanmar.gov.mm/news-media/news/latest-news/-/asset_publisher/idasset354/content/speech-delivered-by-state-administration-council-chairman-prime-minister-senior-general-thadde-maha-thray-sithu-thadde-thiri-thudhamma-min-aung-hlaing

²⁸ Ibid.

²⁹ Al Jazeera. 27 January 2023. “Myanmar military announces strict new election law ahead of polls”. Available at <https://www.aljazeera.com/news/2023/1/27/myanmar-military-unveils-strict-new-election-law-ahead-of-polls>

³⁰ Frances Mao. 30 December 2022. “Aung San Suu Kyi jailed for a further seven years”. BBC News. Available at <https://www.bbc.com/news/world-asia-64123149>

³¹ Ibid.

³² RFA Burmese. 3 November 2022. “Myanmar junta tries to win support of ethnic political parties to change constitution”. Available at <https://www.rfa.org/english/news/myanmar/political-parties-11032022155156.html>

however, there are various ‘subversive activities.’³³ He accused NUG of these subversive activities.³⁴

A leaked report detailing minutes of a meeting in December last year by 50 senior generals led by the junta-appointed Home Affairs Minister Soe Htut concluded that the NUG’s armed wing, the People’s Defense Forces (PDFs) has expanded beyond control.³⁵ None of the generals present at the meeting was confident the junta could organize successfully elections this year.³⁶

The assessment made by these generals seems to be in line with an assessment made by the UN Special Rapporteur on the situation of Human Rights in Myanmar, Thomas Andrews, who said the junta is losing controls while the NUG is gaining grounds.³⁷ He added:

The SAC³⁸ meets none of the three criteria required to demonstrate effective control over Myanmar: (1) it does not control all or nearly all of the greater part of the Myanmar’s territory, (2) it does not command the habitual obedience of the mass of the population, and (3) it does not have a reasonable prospect of permanence. Additionally, it does not carry out Myanmar’s obligations under international law as expressed in treaties and multilateral obligations.³⁹

This concern of lacking effective controls on the ground might be a key reason why the junta extended another six-month state of emergency on 1 February this year. This is the third time that the junta did so.⁴⁰ The Junta chief himself seems to admit the possibility of having elections in August this year is slim and will have to be delayed to a later date. In an important junta meeting earlier this month, Min Aung Hlaing talked about the importance of having “security, stability and peace for the elections to be held”.⁴¹

Regardless of this possible delay of junta-organized elections, it is important for ASEAN to have a common view on the potential junta-organized elections to prepare ahead with a well-considered

³³ Ingyin Naing. 24 January 2023. “Uncertainty Shrouds Myanmar Elections”. Voice of America. Available at <https://www.voanews.com/a/uncertainty-over-elections-in-myanmar/6932184.html>

³⁴ Ibid.

³⁵ The Irrawaddy. 18 January 2023. “Myanmar Junta Leaked Memo Shows Resistance Growing Beyond Control”. Available at <https://www.irrawaddy.com/news/burma/myanmar-junta-leaked-memo-shows-resistance-growing-beyond-control.html>

³⁶ Ibid.

³⁷ Thomas Andrews. 31 January 2023. “Illegal and Illegitimate: Examining the Myanmar Military’s Claim as the Government of Myanmar and the International Response”. United Nations Office of High Commissioner on Human Rights. Available at <https://www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/crp-sr-myanmar-2023-01-31.pdf>

³⁸ State Administration Council, the official name of the Myanmar Junta

³⁹ Ibid.

⁴⁰ Sebastian Strangio. 2 February 2023. “Myanmar Military Extends State of Emergency For Third Time”. Diplomat. Available at <https://thediplomat.com/2023/02/myanmar-military-extends-state-of-emergency-for-third-time/>

⁴¹ Myanmar News Agency. 2 February 2023. “National Defence and Security Council of the Republic of the Union of Myanmar holds meeting 1/2023”. Available at <https://www.gnlm.com.mm/national-defence-and-security-council-of-the-republic-of-the-union-of-myanmar-holds-meeting-1-2023-2/#article-title>

position that reflects compromise and harmony among ASEAN members which all want to help Myanmar but have different tactics on how to do so.

The recent ASEAN Foreign Ministers' Retreat seems to give a sense of ASEAN's priorities and directions in addressing the Myanmar crisis. ASEAN's ability to make positive progress in helping Myanmar to return to normalcy depends on the regional bloc's serious answers to key questions, including ASEAN's "implementation plan" to operationalize the Five-Point Consensus, the ASEAN Special Envoy, and the ASEAN's position on potential junta-organized elections. These hard questions need to be answered, hopefully soon, because they have the potential to paralyze ASEAN seriously.

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