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ASEAN's Alternative Approaches to Myanmar: Exploring New Feasibilities

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Him Rotha & Him Raksmeay

Executive Summary

- After nearly 3 years since the military coup on 1 February 2021, situations in Myanmar have had no light out, with growing armed conflicts, perpetuating violence and looming humanitarian crises.
- ASEAN has tried to help Myanmar return to normalcy through the Five Point Consensus (5PC), adopted in April 2021 in Jakarta, Indonesia. The past three ASEAN Chairs namely, Brunei (2021), Cambodia (2022), and Indonesia (2023) tried various ways to help improve situations in Myanmar based on 5PC. However, implementing 5PC has been difficult due to various reasons ranging from ASEAN's limited leverage on Myanmar to difficulties of ASEAN members in reaching a consensual approach on Myanmar.
- There is a need for ASEAN to seriously recalibrate its approach on the ongoing crisis in Myanmar. ASEAN would need to recognize that it could not achieve different outcomes with the same approach that is proved from time to time not to be able to solicit any meaningful results. Only through exploring with open and objective minds on all possible options that would help ASEAN to be more constructive and helpful in being a solution to help encourage meaningful comprehensive settlements on the Myanmar crisis.
- This insight attempts to provide some suggestions along with their prospects and challenges for ASEAN to find a possible common ground to respond to the prolonged issues in Myanmar. Taking note that there is no quick-fix solution on what has been happening in Myanmar; therefore, this paper merely aims to be an invitation for discussions for ASEAN's roles in helping resolve the Myanmar crisis. Those suggestions include:

(1) Restructuring ASEAN's Roles

Institutionalizing into ASEAN Task Force led by one Special Envoy attached to the ASEAN Secretariat.

(2) International Conferences on Myanmar

ASEAN to convene all dialogue partners and parties concerning to the Situation in Myanmar.

(3) Reconsidering Myanmar's ASEAN Membership

Suspending Myanmar from all ASEAN meetings, but preserve ASEAN perks for Myanmar.

(4) R2P and Sanctions?

Enacting the principle of R2P, such as the use of military force and other coordinated sanctions.

Introduction

The situation in Myanmar still remains dire after 30 months after the military coup in February 2021. Recently, Myanmar's military authority extended the state of emergency for another six months, citing security concerns.¹ The general election, which was tentatively scheduled in August this year, also was delayed to at least 2025 as the Military Authority said that they still needed more time to construct a voters' list.²

With the state of emergency extension, it is clear that the issue on the ground, especially outside of the big cities has not yet been stabilized and plunged into humanitarian disaster within Myanmar.³ Within ASEAN's platforms, the situation in Myanmar is still the main dish of the regional agenda. Not only the main dish, it is one of the main deadlock issues for ASEAN. Three ASEAN Chairs later, the regional bloc still uses Five-Point Consensus (5PC) as the main reference to resolve the situation in Myanmar although ASEAN Member States repeatedly expressed the disappointment that the implementation of 5PC has been in slow progress.⁴

Taking note of the above concerns, the insight attempts to provide some suggestions along with their prospects and challenges for ASEAN to find a possible common ground to respond to the prolonged issues in Myanmar. It is important to acknowledge that there is no quick fix for the ongoing crisis in Myanmar. Any comprehensive solutions to Myanmar are likely to take time given the complexity of the crisis.⁵ Therefore, this paper merely aims to be an invitation for discussions for ASEAN's roles in helping resolve the Myanmar crisis.

Before going deeper to the suggestions, this insight will assess ASEAN's approaches towards Myanmar since the military coup in 2021 in order to make sense of what ASEAN under the bloc's three chairs have done.

ASEAN's Responses towards Myanmar

Unlike other Member States' domestic issues, the situation in Myanmar has posed a considerable challenge to ASEAN, of which the regional bloc has been urged to take action on the country. In order to comprehend the evolution of ASEAN's approaches towards Myanmar, this section will assess the efforts by the three ASEAN Chairs; namely, Brunei, Cambodia, and Indonesia.

¹ Myanmar News Agency. 1 August 2023. State of Emergency extended further six months. Global New Light of Myanmar. Available at <https://www.gnlm.com.mm/state-of-emergency-extended-further-six-months/#article-title>

² Ibid.

³ Him Rotha, Hai Sohem, Navy Roya, Sok Molyneang, and Vorn Manatra. May 2023. Chapter 3 | Myanmar. *Southeast Asia Quarterly Update (January – March 2023)*. Center for Southeast Asian Studies, Institute for International Studies and Public Policy, Royal University of Phnom Penh. http://www.rupp.edu.kh/iispp/cseas/southeast_asia_quarterly_update/2022-2023/documents/SEA_Quarterly_Update%20-Jan_Mar_2023.pdf

⁴ Kate Lamb. 11 May 2023. ASEAN will not give up on Myanmar peace despite no progress – minister. Reuters. Available at <https://www.reuters.com/world/asia-pacific/asean-must-show-unity-tackle-myanmars-escalating-crisis-indonesia-president-says-2023-05-11/>

⁵ The Straits Times. 6 August 2022. "Not even Superman can fix the Myanmar crisis, the regional envoy says". Available at: <https://www.straitstimes.com/asia/se-asia/not-even-superman-can-fix-myanmar-crisis-regional-envoy-says>

These three chairs adopt different approaches towards Myanmar; nevertheless, there are a few things in common. First, the three chairs stuck with ASEAN's Five-Point Consensus on Myanmar that was adopted on 24 April 2021 as an outcome of the ASEAN Informal Leaders' Meeting in Jakarta, Indonesia. Second, all three ASEAN Chairs opted for a cautious stance in providing the legitimacy of the military authority or the deposed-civilian-lawmakers shadow government, the National Unity Government of Myanmar (NUG). Throughout the course of two and a half years, ASEAN invited only non-political representatives from the military authority government to the summits or foreign ministerial meetings, giving the impression that ASEAN does not recognize the full legitimacy of the military authority in Myanmar. Third, except for Indonesia, the previous two ASEAN Chairs appointed their Foreign Ministers as the ASEAN Chair's Special Envoy.

Brunei's ASEAN Chairmanship 2021

Immediately after the coup, ASEAN under Brunei Chairmanship issued a Chair's Statement expressing hope that Myanmar will return to "normalcy".⁶ Later in March 2021, there was an informal Foreign Ministers' meeting, of which during that period ASEAN expressed concern on the situation in Myanmar for the first time.⁷ ASEAN had its own consensus formula on Myanmar on 24 April 2021 during the Informal Leaders' Meeting in ASEAN Secretariat, Jakarta, Indonesia. At that time, Myanmar was represented by the military authority chief, Min Aung Hlaing. In that informal leaders' meeting, ASEAN agreed on Five-Point Consensus (5PC), which will be the main reference for the bloc on dealing with Myanmar for the next several chairs. Those five points are:

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. The establishment of a Special Envoy of the ASEAN Chair to mediate the dialogue process, assisted by the ASEAN Secretary-General,
4. Humanitarian assistance via the AHA Center, and
5. The visit by the special envoy and delegation to Myanmar to meet all parties concerned.⁸

After having the consensus, ASEAN could not nominate the Special Envoy immediately. ASEAN members had no consensus on an eminent figure to become the envoy on Myanmar; therefore, in August 2021, Brunei Foreign Minister suggested him himself to become the Special Envoy.⁹

⁶ ASEAN. 1 February 2021. ASEAN Chairman's Statement on The Developments in The Republic of The Union of Myanmar. Available at <https://asean.org/asean-chairmans-statement-on-the-developments-in-the-republic-of-the-union-of-myanmar-2/>

⁷ ASEAN. 2 March 2021. Chair's Statement on the Informal ASEAN Ministerial Meeting (IAMM). Available at <https://asean.org/wp-content/uploads/2021/03/30.pdf>

⁸ ASEAN. 24 April 2021. "Chairman's Statement on the ASEAN Leaders' Meeting, 24 April 2021 and Five-Point Consensus". Available at: <https://asean.org/chairmans-statement-on-the-asean-leaders-meeting-24-april-2021-and-five-point-consensus-2/>

⁹ ASEAN. 2 August 2021. Joint Communiqué of The 54th ASEAN Foreign Ministers' Meeting. Available at <https://asean.org/joint-communique-54-th-asean-foreign-ministers-meeting/>

In June 2021, Brunei Foreign Minister, Erywan Yusof visited Myanmar alongside with the then ASEAN Secretary General, Lim Jock Hoi.¹⁰ The two personalities met with Min Aung Hlaing at that time to discuss on the way forward to operationalize the 5PC and the possibility of having the humanitarian corridor to Myanmar.¹¹ Nevertheless, the visit was criticized for not having prior consultation and notification with other ASEAN Member States as well as lending legitimacy towards the military authority.¹² With intense criticisms, ASEAN removed the statement about the visit on their website.¹³

ASEAN had engaged with the military authority only until August 2021. During that time, the military-quota foreign minister, Wunna Muang Lwin attended virtual ministerial meetings with his ASEAN counterparts as well as other ASEAN Dialogue Partners, including the US. Only in October 2021, after an emergency meeting of ASEAN Foreign Ministers, ASEAN came up with a rare approach not to invite the military authority chief, Min Aung Hlaing and other high-ranking officials to ASEAN Summits and Foreign Ministerial Meetings. Instead, a non-political representative from the military authority government was invited instead.¹⁴

This decision came after Bruneian Foreign Minister and Special Envoy, Erywan Yusof could not secure the visit to Myanmar successfully as the military authority barred him owing to the reason that he had the precondition to visit the former Myanmar de-facto-leader, Aung San Suu Kyi.¹⁵

Cambodia's ASEAN Chairmanship 2022

Cambodia's engagement with the situation in Myanmar began unofficially in December 2021. Back then, the military-quota Foreign Minister, Wunna Muang Lwin was invited to Phnom Penh.¹⁶ Later on, Prime Minister Hun Sen went to Nay Pyi Taw on 7 January 2022, when he met Min Aung Hlaing. At that bilateral meeting, the two parties agreed on three things: (1) Myanmar needed to be in cease-fire motion; (2) Myanmar needed to allow the flow of humanitarian assistance; (3) Myanmar supported the appointment of Cambodian Foreign Minister, Prak Sokhonn to be the ASEAN Chair's Special Envoy on Myanmar.¹⁷

¹⁰ Jakarta Post. 10 June 2021. Brunei's disastrous mission. Available at <https://www.thejakartapost.com/academia/2021/06/09/bruneis-disastrous-mission.html>

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ain Bandial. 17 October 2021. "ASEAN excludes Myanmar junta leader from summit in rare move". Reuters. Available at: <https://www.reuters.com/world/asia-pacific/asean-chair-brunei-confirms-junta-leader-not-invited-summit-2021-10-16/>

¹⁵ Grant Peck. 15 October 2021. Envoy aborts visit to Myanmar, straining ASEAN relations. Associated Press. <https://apnews.com/article/business-asia-myanmar-global-trade-southeast-asia-55eba9d33db71a4dbf5f7ba66d4afe99>

¹⁶ Ministry of Foreign Affairs and International Cooperation. 7 December 2021. A Meeting with His Excellency Wunna Muang Lwin, Union Minister for Foreign Affairs of the Republic of the Union of Myanmar (07 December 2021). Available at <https://www.mfaic.gov.kh/posts/2021-12-07-News-A-Meeting-with-His-Excellency-Wunna-Muang-Lwin--Union-Minister-for-Foreign-Affairs-of-the-Republic-o-16-47-31>

¹⁷ Ministry of Foreign Affairs and International Cooperation, Cambodia. 7 January 2022. Joint Press Release on the Visit of Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia, to the Republic of the Union of Myanmar, 07-08 January 2022. Available at <https://www.mfaic.gov.kh/posts/2022-01-07-Press-Release-Joint-Press-Release-on-the-Visit-of-Samdech-Akka-Moha-Sena-Padei-Techo-HUN-SEN--Prime-Minister-of-th-22-48-32>

With the close engagements during Cambodia's early stage of the ASEAN Chairmanship, critics viewed the Kingdom adopting "cowboy diplomacy", a kind of diplomacy with high risks.¹⁸ Even the then-Malaysian Foreign Minister, Saifuddin Abdullah went on public to criticize Cambodian government's engagement with the military authority as unilateral without any consultation with other ASEAN Member States.¹⁹

Myanmar was a stumbling block issue at the opening of Cambodian ASEAN Chairmanship in 2022. It is reported that the ASEAN Retreat – an ASEAN Foreign Ministers' first meeting to begin an ASEAN Chair's work – was postponed a month, from January to February due to the disagreement among ASEAN Member States on the issue of Myanmar representatives.²⁰

Cambodia repeatedly emphasized the importance of engaging with Myanmar's military authority owing to the fact that it was "the most powerful actor" inside the country.²¹ Nevertheless, after virtual meetings and telephone calls between Cambodian Prime Ministers with his counterparts from Indonesia, Malaysia, Myanmar, and Singapore, ASEAN Retreat could be convened in February with Myanmar in-principle being invited at the non-political representative level.²²

Although with some hiccups at the start, it is observed that Cambodia was proactive in fulfilling its ASEAN Chair's duty to tackle the situation in Myanmar. Cambodia was transparent in dealing with the situation in Myanmar as according to the *Report of the Special Envoy of the ASEAN Chair*

¹⁸ Allegra Mendelson. 22 December 2021. Cambodia's 'cowboy diplomacy' in Myanmar isolates ASEAN. Al Jazeera. Available at <https://www.aljazeera.com/news/2021/12/22/cambodias-cowboy-diplomacy-in-myanmar-isolates-asean>

¹⁹ Yantoultra Nguai and Philip Heijmans. 14 January. 2022. Malaysia Minister Criticizes Hun Sen for Myanmar Junta Meeting. Bloomberg. Available at <https://www.bloomberg.com/news/articles/2022-01-14/malaysia-minister-criticizes-hun-sen-for-myanmar-junta-meeting#xj4y7vzkg>

²⁰ Prak Chan Thul. 12 January 2022. Cambodia shelves first ASEAN meeting over attendance 'difficulties'. Reuters. Available at <https://www.reuters.com/world/asia-pacific/cambodia-shelves-first-asean-meeting-over-attendance-difficulties-2022-01-12/>

²¹ Ministry of Foreign Affairs and International Cooperation, Cambodia. 17 November 2022. Report of the Special Envoy of the ASEAN Chair on Myanmar to the 40th and 41st ASEAN Summits. Available at <https://www.mfaic.gov.kh/posts/2022-11-17-Press-Release-Report-of-the-Special-Envoy-of-the-ASEAN-Chair-on-Myanmar-to-the-40th-and-41st-ASEAN--Summits--17-51-09>

²² Ministry of Foreign Affairs, Singapore. 15 January 2022. Prime Minister Lee Hsien Loong's Video Call with Cambodian Prime Minister Hun Sen. Available at <https://www.mfa.gov.sg/Newsroom/Press-Statements-Transcripts-and-Photos/2022/01/20220115-PM-LHL-VC-Cambodian-PM-Hun-Sen>; Ministry of Foreign Affairs and International Cooperation, Cambodia. 22 January 2022. Outcomes of the Telephone Conversation between Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of Cambodia, and His Excellency Joko Widodo, President of Indonesia, 21 January 2022. <https://www.mfaic.gov.kh/posts/2022-01-22-Press-Release>; Ministry of Foreign Affairs and International Cooperation, Cambodia. 25 January 2022. Outcomes of the Video Call between Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of Cambodia, and His Excellency Dato' Sri Ismail Sabri bin Yaakob, Prime Minister of Malaysia, 25 January 2022. <https://www.mfaic.gov.kh/posts/2022-01-25-Press-Release-Outcomes-of-the-Video-Call-between-Samdech-Akka-Moha-Sena-Padei-Techo-HUN-SEN--Prime-Minister-of-Cam-16-35-13>; Ministry of Foreign Affairs and International Cooperation, Cambodia. 26 January 2022. Outcomes of the Virtual Meeting between Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia, and Senior General Min Aung Hlaing, Chairman of the State Administration Council of the Republic of the Union of Myanmar, 26 January 2022. Available at <https://www.mfaic.gov.kh/posts/2022-01-26-Press-Release-Outcomes-of-the-Virtual-Meeting-between-Samdech-Akka-Moha-Sena-Padei-Techo-HUN-SEN--Prime-Minister-o-19-13-17>

on Myanmar to the 40th and 41st ASEAN Summits,²³ the Kingdom listed its efforts as well as engagements with various stakeholders within Myanmar as well as parties that shared concerns about this Southeast Asian country.

In the course of 12 months of ASEAN Chairmanship, Cambodia had the opportunities to visit Myanmar five times; one by Prime Minister Hun Sen, twice by Foreign Minister Prak Sokhonn under his capacity as the Special Envoy of the ASEAN Chair on Myanmar, and another two by Cambodia's senior officials under the capacity of the Special Envoy's office. More than that, Cambodian diplomats did have a conversation with the NUG's Foreign Minister, Zin Mar Aung in order to convey the military authority's pre-conditions to talk with the shadow government.²⁴

At that time, the military authority's pre-conditions were three points: "(1) they [the NUG] do not seek to destroy the SAC, (2) they do not seek to replace the SAC, and (3) they agree to use the 2008 Constitution as the basis for talks".²⁵ The NUG rejected and gave two conditions back: (1) the military shall be under civilian control and (2) Min Aung Hlaing shall be sent to jail.²⁶

Just like the previous Chair, Cambodia had goodwill in dealing with Myanmar, like expressing the intention to meet with Aung San Suu Kyi as well as attempting to expand the path for humanitarian relief in Myanmar. Yet, the situation in Myanmar could not be any better since external actors, like Cambodia and ASEAN have limited roles in the country's domestic politics. The political turmoil still continued inside Myanmar. Against this disappointment, ASEAN under Cambodia's Chairmanship conducted a review of the implementation of the 5PC. According to the review statement, although 5PC was still the "main reference" for ASEAN in dealing with Myanmar, the regional bloc opened for other options and stakeholders in order to help implement this formula.²⁷

Responding to setbacks within Myanmar, Cambodia went on by not inviting the military authority's Defense Minister to the ASEAN Defense Ministers' Meeting (ADMM) and its plus-meetings in November 2022. It should be noted that the ADMM in July 2022, Myanmar was represented by the military authority.²⁸ In response, the military authority barred the requested third visit by ASEAN Special Envoy before the end of 2022.²⁹

²³ Ministry of Foreign Affairs and International Cooperation, Cambodia. 17 November 2022. Report of the Special Envoy of the ASEAN Chair on Myanmar to the 40th and 41st ASEAN Summits. Available at <https://www.mfaic.gov.kh/posts/2022-11-17-Press-Release-Report-of-the-Special-Envoy-of-the-ASEAN-Chair-on-Myanmar-to-the-40th-and-41st-ASEAN--Summits--17-51-09>

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ ASEAN. 11 November 2022. ASEAN Leaders' Review and Decision on the Implementation of the Five-Point Consensus. Available at <https://asean.org/asean-leaders-review-and-decision-on-the-implementation-of-the-five-point-consensus/>

²⁸ Ben Sokhean. 22 November 2022. Junta snubbed: Cambodia bars SAC Defence Minister from Asean meets. Khmer Times. Available at <https://www.khmertimeskh.com/501188705/junta-snubbed-cambodia-bars-sac-defence-minister-from-asean-meets>

²⁹ Soth Koemsoeun. 6 December 2022. It's a no go: ASEAN Special Envoy Sokhonn can't make third visit to Myanmar. Khmer Times. Available at <https://www.khmertimeskh.com/501196851/its-a-no-go-asean-special-envoy-sokhonn-cant-make-third-visit-to-myanmar/>

Indonesia's ASEAN Chairmanship 2023

For Indonesia, there were many high expectations that Indonesia could do more than the previous two ASEAN Chairs since the Republic is tipped to have influence in the region.³⁰ In the ASEAN Retreat this year, Indonesia laid out its plans for Myanmar. Indonesia would establish the Office of the Special Envoy alongside the “Implementation Plan” of the Five-Point Consensus.³¹ Moreover, according to President Joko Widodo, the Republic also had the intention to send military generals to Myanmar. Nevertheless, all these things have not been realized yet, perhaps, at least in the public domain.

Indonesia has usually stated that it adopts “quiet diplomacy” in dealing with this issue. Indonesian Foreign Minister, Retno Marsudi told ASEAN Member States during the ASEAN Foreign Ministers’ Meeting this July that the country has engaged with relevant stakeholders for 110 times already this year.³²

It is an open secret that ASEAN has not had common position regarding the situation in Myanmar. The disunity has been publicly exposed since December 2022. At that time, there was the Non-ASEAN Meeting on Myanmar hosted by Thailand. Myanmar’s representative was the military-quota Foreign Minister, Wunna Muang Lwin.³³ Other than that, some alternative options were carried out by Myanmar’s neighboring countries under the Track 1.5 meetings in India and Thailand in 2023.³⁴

The visit that rocked the ASEAN’s boat was the outgoing Thai Foreign Minister, Don Pramudwinai’s secret trip to Myanmar in July, a few days before ASEAN Foreign Ministers’ Meeting in Jakarta. The Thai Minister got the chance to meet with Aung San Suu Kyi, of which this effort was seen undermining ASEAN’s authority.³⁵

³⁰ Gibran Mahesa Drajat. 21 May 2021. The Indonesia factor in ASEAN’s response to Myanmar. East Asia Forum. Available at <https://www.eastasiaforum.org/2021/05/21/the-indonesia-factor-in-aseans-response-to-myanmar/>

³¹ A. Muh. Ibnu Aqil and Yvette Tanamal. Date. Indonesia pushes for implementation of Myanmar peace plan, resumption of COC talks. Jakarta Post. Available at <https://www.thejakartapost.com/world/2023/02/05/indonesia-pushes-for-implementation-of-myanmar-peace-plan-resumption-of-coc-talks>

³² Ministry of Foreign Affairs, Indonesia. 12 July 2023. Chair's Opening Remarks Minister for Foreign Affairs of Indonesia at the 56th ASEAN Foreign Ministers' Meeting (Retreat Session). Available at <https://kemlu.go.id/portal/en/read/4935/pidato/chairs-opening-remarks-minister-for-foreign-affairs-of-indonesia-at-the-56th-asean-foreign-ministers-meeting-retreat-session>

³³ Kyodo News. 22 December 2022. ASEAN exposes divisions over political crisis in Myanmar. Available at <https://english.kyodonews.net/news/2022/12/1cc78b8b1c12-asean-exposes-divisions-over-political-crisis-in-myanmar.html>

³⁴ Thompson Chau. April 2023. India hosts '1.5' informal Myanmar talks amid flurry of diplomacy. Available at <https://asia.nikkei.com/Spotlight/Myanmar-Crisis/India-hosts-1.5-informal-Myanmar-talks-amid-flurry-of-diplomacy>

³⁵ Al Jazeera. 12 July 2023. Thai foreign minister met Aung San Suu Kyi on secret Myanmar trip. Available at <https://www.aljazeera.com/news/2023/7/12/thai-foreign-minister-met-aung-san-suu-kyi-on-secret-myanmar-trip>

Summary of ASEAN's Efforts to Myanmar

The immediate cessation of violence in Myanmar

- Only commitments, but cannot be implemented. Violence still occurs from time to time.

Constructive dialogue among all parties concerned to seek a peaceful solution in the interests of the people

- No fruitful result, but during Cambodian ASEAN Chairmanship 2022, there were some indirect exchanges:
 - the military authority gave three conditions; (1) they [the NUG] do not seek to destroy the SAC, (2) they do not seek to replace the SAC, and (3) they agree to use the 2008 Constitution as the basis for talks.
 - The NUG rejected and gave back two conditions; (1) the military shall be under civilian control and (2) Min Aung Hlaing shall be sent to jail.

The establishment of a Special Envoy of the ASEAN Chair to mediate the dialogue process, assisted by the ASEAN Secretary-General

Brunei:

- Bruneian Foreign Minister, Erywan Yusof was nominated to be the Special Envoy on Myanmar in 2021.

Cambodia:

- Cambodian Foreign Minister, Prak Sokhonn was nominated to be the Special Envoy on Myanmar in 2022.

Indonesia:

- No particular individual was nominated to become the Special Envoy like the two previous Chairs. However, the Office of the Special Envoy was established under the leadership of Indonesian Foreign Minister, Retno Marsudi.

Humanitarian assistance via the AHA Center

- As of 2021, USD 8 million was pledged for the humanitarian assistance to Myanmar.
- In 2022, Consultative Meeting for the Humanitarian Assistance in Myanmar was held.
- In 2023, AHA Center's Joint-Need Assessment report showed that there are 1.1 million people in need.

The visit by the special envoy and delegation to Myanmar to meet all parties concerned

Brunei:

- Bruneian Foreign Minister, Erywan Yusof went to Myanmar in June 2021 before his appointment as the ASEAN Special Envoy.
- His visit later at that year was rejected by the military authority.

Cambodia:

- Prime Minister Hun Sen visited Myanmar in 7 January 2022 and met with Min Aung Hlaing.
- Foreign Minister and the 2022 ASEAN Chair's Special Envoy, Prak Sokhonn visited Myanmar twice in March and June. He met with various parties, including the military authority, political parties, and some ethnic armed groups. His supposed-to-be third visit was rejected by the military authority.
- Cambodia's Special Envoy delegations visited Myanmar twice and met with various stakeholders.
- Cambodian officials also met with NUG Foreign Minister, Zin Mar Aung at an undisclosed date and place.

Indonesia:

- Indonesian Foreign Minister, Retno Marsudi said that there are 110 engagements with concerning stakeholders in Myanmar. There is no publicly visits done by Indonesian officials.

Compilation by Authors (2023)

To sum up, ASEAN's approaches so far have not produced substantive results in changing the tide in Myanmar. Fighting still continues, and the humanitarian assistance delivery has been disrupted from time to time.³⁶ The bloc's only unprecedented, yet controversial effort was to leave the Myanmar's seat empty from ASEAN's big-ticket summits and meetings.

This effort only saved ASEAN from being pushed or boycotted by other dialogue partners, especially the West. The bloc seems to accommodate dialogue partners, rather than addressing substantive and deadlock issues in the country. This is understandable since ASEAN's *modus operandi* does not have a clear mandate on what to do when it comes to its member states' domestic crisis.

Keeping this in consideration, this policy brief will try to offer some alternative approaches. We will try to envision the pro and cons of these approaches. These alternative approaches will be discussed in the next section.

Feasible Alternative Approaches for ASEAN in dealing with Myanmar

It is almost an impossible task for ASEAN to deal with its member states' domestic affairs since the bloc's mantra is driven by consensus decision-making mechanism, while non-interference is a core principle for the grouping.³⁷ Nevertheless, it seems like the situation in Myanmar is quite unique and it has been seen as a *regional* issue for ASEAN.³⁸

From the early days of the coup, ASEAN highlighted the importance of "the return to normalcy" in Myanmar, which could be interpreted in many ways, including the restoration of the government that would have been born through the 2020 election in Myanmar.³⁹ However, from the reading of Joint communique in 2021, 2022, and 2023, ASEAN's general line has been: 5PC is the main reference for dealing with Myanmar. ASEAN's feasible roles involving in Myanmar's domestic affairs could be seen as the following: (1) cessation of violence; (2) delivering the humanitarian assistance; (3) provide conducive environment for peace dialogue for all parties in Myanmar.⁴⁰

³⁶ United Nations. 30 June 2023. Myanmar: Dire humanitarian and human rights situation compounded by military's restrictions on aid. Available at <https://www.ohchr.org/en/press-briefing-notes/2023/06/myanmar-dire-humanitarian-and-human-rights-situation-compounded>

³⁷ Mieke Molthof. 8 February 2012. ASEAN and the Principle of Non-Interference. E-International Relations. Available at <https://www.e-ir.info/2012/02/08/asean-and-the-principle-of-non-interference/>

³⁸

³⁹ ASEAN. 1 February 2021. ASEAN Chairman's Statement on The Developments in The Republic of The Union of Myanmar. Available at <https://asean.org/asean-chairmans-statement-on-the-developments-in-the-republic-of-the-union-of-myanmar-2/>

⁴⁰ ASEAN. 4 August 2021. Joint Communiqué of The 54th ASEAN Foreign Ministers' Meeting. Available at <https://asean.org/joint-communique-54-th-asean-foreign-ministers-meeting/>; ASEAN. 3 August 2022. Joint Communiqué of The 55th ASEAN Foreign Ministers' Meeting. Available at https://asean.org/wp-content/uploads/2022/08/Joint_Communique-of-the-55th-AMM-FINAL.pdf; ASEAN. 13 July 2023. Joint Communiqué of The 56th ASEAN Foreign Ministers' Meeting. Available at <https://asean.org/joint-communique-of-the-56th-asean-foreign-ministers-meeting/>

These three lines are inter-related with each other and horizontal. So far, although violence still occurs, while the provision of humanitarian assistance to the victims has been in motion.⁴¹

Nevertheless, the current ASEAN's modus operandi on Myanmar seems not to work for some reasons. Consensus and non-interference principle are one of the major hurdles; however, if looking deeply, there have been issues with the clarity and coherent of the 5PC since the beginning. It seems like as time goes by, ASEAN has lost its way on what it wants with Myanmar. *The key question now is whether ASEAN only wants to get the 5PC to be implementable or the regional bloc wants to help facilitate the peace and democratic process within Myanmar.* It is crucial for the regional bloc to reconsider this question in order to enhance ASEAN credibility and honor the commitment with its own ASEAN Charter, which stated that the purposes of ASEAN are “to ensure that the people and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment”.⁴²

There is a need for rethinking for the ASEAN's approach towards Myanmar. For the past two and half years, the approach is proved to be limited in advancing any meaningful progress of any potential political settlements in Myanmar nor cessation of violence. The situations in Myanmar are likely to change only when the internal dynamics inside Myanmar change. It is crucial ASEAN acknowledges its limited capacities and leverages in offering any alterations in internal crisis in Myanmar. Therefore, ASEAN should devote more efforts in being a facilitator in helping enhance conducive environment, however limited it may be, to foster comprehensive political settlements inside Myanmar.

Along this line of thinking, this paper would like to offer some alternative approaches as following:

Restructuring ASEAN's roles in Myanmar

ASEAN's roles in Myanmar have been long questioned. The grouping seems to prioritize more on the process rather than substances due to various complicated matters as noted in the proceeding sections.⁴³ In dealing with Myanmar, by the term of ASEAN, so far, the liability is upon the Chairs with inputs from ASEAN Member States. The indication of this is by the appointment of the Special Envoy. According to the 5PC, the Special Envoy is not the envoy for ASEAN, yet it is the Chair's Envoy. In practice, two ASEAN Chairs appointed their Foreign Ministers as the Special Envoy, while Indonesia seems to work under an office led by the Foreign Minister.

This ad hoc process is by far not productive and not inclusive even within ASEAN itself. It spurs some doubts and suspicions towards the ASEAN Chair. This approach also could not reconcile inputs from other ASEAN Member States properly, which exposes to contrasted views all over the media.⁴⁴

⁴¹ ASEAN. 13 July 2023. Joint Communique of The 56th ASEAN Foreign Ministers' Meeting. Available at <https://asean.org/joint-communique-of-the-56th-asean-foreign-ministers-meeting/>

⁴² ASEAN. 2008. ASEAN Charter. Available at <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>

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⁴⁴ Andrew Nachevson. 30 March 2022. Misreading the room: Why Hun Sen is failing on Myanmar. Al Jazeera. Available at <https://www.aljazeera.com/news/2022/3/30/misreading-the-room-why-hun-sen-is-failing-on-myanmar>

Therefore, it is suggested that ASEAN shall have an institutionalized task force within the ASEAN Secretariat in order to monitor and provide recommendations to the ASEAN Ministerial Meeting (AMM) and the ASEAN Summit. The institutionalized task force shall be led by an eminent figure with the role of the ASEAN Special Envoy on Myanmar. The Special Envoy should be the primary "Interlocutor" of ASEAN on the crisis in Myanmar. This Special Envoy shall have clear terms and mandates, and not the Envoy to any ASEAN Chair or Member States, yet he or she is the Envoy to ASEAN as a regional institution. All ASEAN Member States are welcome to send officials to participate the task force.

This approach could be seen as independent and highly on technical expertise to monitor and evaluate the situation in Myanmar. It could preserve the continuity of the work on Myanmar's peace and stability as it is well-known that the situation in Myanmar could not be resolved in short-term period.⁴⁵

This suggestion derives from a historical experience in ASEAN. At the height of the Kampuchean problem in 1980s, facing diplomatic deadlocks and stalemates, ASEAN decided in a Special Foreign Ministers' Meeting in Jakarta on 7-8 May 1984 to designate Indonesia's Foreign Minister as the Interlocutor between ASEAN and Vietnam which were belligerent parties at the time.⁴⁶ By doing so, Indonesia, with regular consultations with other ASEAN members, conducted negotiations and put forward peace proposals with Vietnam on behalf of the regional bloc. Indeed, this arrangement was not always smooth and faced many constraints.⁴⁷ Yet, it is undeniable with ASEAN having Indonesia's Foreign Minister as the Interlocutor, who in consultations with other ASEAN capitals, helped move things forward which led to subsequent consequential informal meetings until the signing of the Paris Peace Agreements in 1991 that ended the Kampuchean conflict.⁴⁸

However, this approach would encounter many challenges. The most stumbling block would be engagement with internal stakeholders in Myanmar. The proposed ASEAN Task Force on Myanmar could not work flexibly to identify challenges and needs within Myanmar should there be no cooperation from Myanmar internal actors. Besides of Myanmar-factor, this Task Force's line of work would still be identified by ASEAN Leaders, which could be highly politicized and polarized.

International Conferences on Myanmar

Another suggestion would be international conferences on Myanmar, which could involve all. Some might say that Myanmar was already discussed in ASEAN-led mechanisms, like ASEAN

⁴⁵ The Straits Times. 6 August 2022. "Not even Superman can fix the Myanmar crisis, the regional envoy says". Available at: <https://www.straitstimes.com/asia/se-asia/not-even-superman-can-fix-myanmar-crisis-regional-envoy-says>

⁴⁶ Indonesia's Role in the Resolution of the Cambodian Problem
<https://www.routledge.com/Indonesias-Role-in-the-Resolution-of-the-Cambodian-Problem/Prasad/p/book/9780367249243>

⁴⁷ Ibid.

⁴⁸ More details on the process of these informal meetings will be discussed in the immediate sub-section on International Conferences on Myanmar

Regional Forum (ARF) and East Asia Summit (EAS) Foreign Minister’s meetings.⁴⁹ It is true that these platforms talked about Myanmar, but the case of Myanmar was just one of the many things that they discussed during those meetings.

The proposed international conferences had been occurred in some forms; for instance, the Consultative Meeting on Humanitarian Assistance was held in 2022 by Cambodia, which involved ASEAN Member States and some concerned international agencies in the humanitarian issues.⁵⁰ However, the previous attempts did not involve all actors that involve in Myanmar nor states that have vested interests in Myanmar in a collective setting.⁵¹

In addition, external players tend to work in a silo mode on Myanmar. For example, ASEAN has had its own Special Envoy on Myanmar while the UN, Japan, China, Thailand and EU all has had their own envoys with the same portfolio.⁵² Serious consultations and coordination are limited among them. This is understandable given each player has their own specific interests in Myanmar and their own views on how to address the crisis there.⁵³ Nevertheless, with no mechanisms in place to have serious consultations among themselves, these external parties limit their own effectiveness in projecting themselves to play useful and constructive roles in Myanmar because they encounter issues such as policy fragmentations and contradictions.

Given these constraints, there is an important need for international conferences on Myanmar that are organized to dedicate discussions on various spectrums of the Myanmar crisis, ranging from political settlements, economic situations to humanitarian aspects. As the continued hostility still persists among relevant parties in Myanmar who are not willing to sit in the same negotiating table at the moment,⁵⁴ as an entry point, principal participants of these international conferences should be ASEAN along with its Dialogue Partners, especially those that have vested interests in Myanmar. The participation format should be with a possibility to expand more to include more stakeholders in the future including, importantly, Myanmar’s all relevant parties. There should be flexibility in terms of participants.

These international conferences are essential for three key reasons. First, they are forums for states that are Friends to Myanmar including ASEAN to exchange views on ways that they can work together to address the situation in Myanmar. Second, these conferences are important for these states to compare notes and undertake policy coordination on the Myanmar. Third, such conferences would be useful to promote synergies among states’ policies and forge a more united voice on Myanmar on issues, especially on how to present a united credible front of external partners to help Myanmar.

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⁵⁰ Ministry of Foreign Affairs and International Cooperation, Cambodia. 6 May 2022. Outcomes of the Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar, 6 May 2022. Available at <https://www.mfaic.gov.kh/posts/2022-05-06-Press-Release-Outcomes-of-the-Consultative-Meeting-on-ASEAN-Humanitarian-Assistance-to-Myanmar--6-May-2022--23-08-47>

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For practical purposes, the conferences' format could be feasibly begun from the sideline meetings of the EAS or ARF before it could consolidate in its own form. It may not be one-time off. It could be a series of meetings to discuss various issues in order to produce conducive environments for all stakeholders in Myanmar to talk with each other. It could be a venue for all dialogue partners to discuss with each other to identify common interests and concerns within Myanmar.

There was a well-recorded historical precedence for having international conferences to address conflicts of regional consequences in Southeast Asia of which ASEAN played crucial roles. Followed frustrating stalemates regarding the Kampuchean problem⁵⁵ in mid-1980s, ASEAN, thanks to Indonesia's leading roles, set out a proposal in 1985 to have "Cocktail Party" meetings to involve all belligerent parties to talk informally without touching the question of formal recognitions in order to develop spirit of mutual understanding that was important for any meaningful settlements of the conflict.⁵⁶ After painstaking efforts of negotiations and shuttled diplomacy, these "Cocktail Party" meetings materialized in forms of the First Jakarta Informal Meeting (JIM I) in July 1988, the Second Jakarta Informal Meeting (JIM II) in February 1989. Both meetings involved the four Khmer factions, Vietnam, Laos and ASEAN States which included Indonesia, Malaysia, Singapore, Philippines, Thailand and Brunei at that time.⁵⁷ These two informal meetings importantly contributed to the first Paris International Conference on Cambodia (PICC) in 1989 co-chaired by Indonesia and France and had key participants including the four Khmer factions, Vietnam, Laos, ASEAN States, and the Five Permanent Members of the United Nations Security Council (P5).⁵⁸ The first PICC was not successful due to remaining core differences among conflicting parties. Despite this, ASEAN's peace diplomacy, combined with supports from key players such as the P5 and Australia, continued to push more informal meetings such as the first round of Informal Meeting on Cambodia (IMC) in February 1990 and the second round of IMC in September 1990 both held in Jakarta.⁵⁹ These two meetings along with other informal meetings in Pattaya, Beijing and New York in 1991 proved to be instrumental in leading to the second PIIC of which the Comprehensive Cambodian Peace Agreement, widely known as the Paris Peace Agreement, were signed on 23 October 1991 by the four Khmer factions, and 18 states namely, P5, ASEAN-6, Vietnam, Laos, India and Yugoslavia.⁶⁰ This historic agreement symbolizes the end of the Kampuchean problem.

It is true that international and regional environments were different between now and 30 years ago. Also true is the vast dimensions of the Kampuchean Crisis that include complex domestic, regional and international levels. However, the whole episode of the crisis at that time shows that should ASEAN have the political will and leadership to address crises of regional consequences through able regional and international diplomacy, the regional bloc is more than able to lead efforts in galvanizing momentums to support international conferences on the ongoing crisis of Myanmar.

⁵⁵ Indonesia's Role in the Resolution of the Cambodian Problem
<https://www.routledge.com/Indonesias-Role-in-the-Resolution-of-the-Cambodian-Problem/Prasad/p/book/9780367249243>

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

Yet, some anticipated challenges would prevent the convening of the international conference on Myanmar. First of all, securing attendance from all actors in Myanmar would be an almost impossible task due to currently hostile stances to each other.⁶¹ Second, getting external actors, especially those great powers who have vested interests in Myanmar on board would not be easy, given the current context of geopolitical competition.⁶² Third, this international conference could be seen as a violation of non-interference principle. Since it could create a precedent for ASEAN to discuss its Member States' domestic affairs, some ASEAN members would be reluctant to give a consensus on this matter.

Reconsidering Myanmar's ASEAN Membership

Another option is to reconsider Myanmar's ASEAN Membership. The situation in Myanmar will prolong for years. In order to end politicizing and weaponizing Myanmar in ASEAN affairs, Myanmar's ASEAN Membership shall be suspended until there is a "*consensual settlement on Myanmar's ASEAN Membership*" among all parties in Myanmar. This is a painful option, but ASEAN needs to discuss frankly about this in order to avoid the dead-end discussions on Myanmar, especially the issue of the country's representative to be a repeated hindrance for all ASEAN affairs.

Going forward, ASEAN will have to decide on many important and strategic issues, like signing the Code of Conduct on the South China Sea (COC). More than that, the issue of Myanmar representative will raise eyebrows further in 2026, when the Union Republic is scheduled to take the ASEAN Chair baton through Chair rotation based on alphabetical order as enshrined in the ASEAN Charter.⁶³ There was a precedent back in 2006 when Myanmar gave up its ASEAN Chairmanship due to the need for "both time and political space to deal with its many and complex challenges".⁶⁴ At that time, it was reported that Western countries threatened to boycott ASEAN relevant meetings should Myanmar – who under the military government at that time – proceed to be the ASEAN Chair in 2006.⁶⁵ There were two demands from the US and the EU: (1) the military government went on to democratize Myanmar and released Aung San Suu Kyi; (2) relinquished its ASEAN Chairmanship in 2006.⁶⁶

Although there was a precedent, it should be noted that the context within Myanmar today and almost two decades was different. Currently, the legitimacy within Myanmar is disputed. Taking this into consideration, ASEAN decided to invite non-political representative from Myanmar since

⁶¹ See Footnote number 24.

⁶² Jennifer Jett and Courtney Kube. 30 May 2023. China rejects U.S. request for a meeting of the defense chiefs. NBC News. Available at <https://www.nbcnews.com/news/world/china-rejects-meeting-defense-chiefs-loyd-austin-li-shangfu-rcna86732>

⁶³ Sydney Tucker. 25 July 2023. Myanmar Reveals ASEAN's Weak Spot Again. Stimson Center. Available at <https://www.stimson.org/2023/myanmar-reveals-aseans-weak-spot-again/>

⁶⁴ ASEAN. 12 October 2012. Joint Communiqué of the 38th ASEAN Ministerial Meeting Vientiane, 26 July 2005. Available at <https://asean.org/joint-communicue-of-the-38th-asean-ministerial-meeting-vientiane-26-july-2005/>

⁶⁵ The New York Times. 26 July 2005. Myanmar gives up 2006 ASEAN chairmanship. Available at <https://www.nytimes.com/2005/07/26/world/asia/myanmar-gives-up-2006-asean-chairmanship.html>

⁶⁶ Ibid.

2021.⁶⁷ However, back in the early 2000s, to put it simply, the military government in Myanmar was completely recognized by ASEAN.⁶⁸

With this regard, suspension Myanmar's ASEAN Membership shall be in the table of discussion. This would reaffirm ASEAN's commitment on "rule-based, people-oriented, people centered" community, especially the spirit of denouncing the "unconstitutional and undemocratic change of government" as enshrining in relevant ASEAN documents, such as ASEAN Political-Security Community Blueprint 2025 and ASEAN Security Community Plan of Action 2003.⁶⁹ Many other regional organizations have this mechanism when dealing with their own members' domestic instability. Suspension is not expulsion. Myanmar is still part of ASEAN's family. Myanmar would still enjoy some ASEAN's perks, like the free-visa scheme within the regional bloc and to some extent free-trade agreements. However, all ASEAN meetings and decisions shall go on without Myanmar's participation. The current situation in Myanmar requires Myanmar to take time and political space to deal with its internal complex issues before going to the regional stage. The question is *where ASEAN's roles are in this situation*. Although suspending Myanmar's membership, ASEAN would still engage with Myanmar in order to help produce conducive environment for all stakeholders to talk in order to work together on paths of national reconciliation, peace and stability within the country.

There are many things to consider if this motion occurs. First, it would cut out Myanmar almost completely from the region. Taking example of inviting non-political representative, Myanmar – especially the military authority – has had the chance to represent itself within the ASEAN table, yet they chose to leave the seat empty. Therefore, the suspension of Myanmar's ASEAN membership would cause some consequences, which would be problematic for policymakers and thinkers to discuss later on. History is a mirror to reflect this point. Despite being under a military regime, Myanmar was still admitted an ASEAN member in 1997. One of the key reasons for such an admission was a fear by ASEAN members that if isolated, Myanmar would have no choice but to fall into an orbit of external superpowers.⁷⁰ Second, it would leave precedented to carve out any ASEAN Member States that have domestic instability. It should be noted that domestic political landscape within Southeast Asia is very volatile. Empirical evidence shows that most of the time, leadership change within the region is not frequently smooth.⁷¹ Therefore, this suspension mechanism would be weaponized against any ASEAN Member States if there is no clear indicator.

⁶⁷ Ain Bandial. 17 October 2021. ASEAN excludes Myanmar junta leader from summit in rare move. Available at <https://www.reuters.com/world/asia-pacific/asean-chair-brunei-confirms-junta-leader-not-invited-summit-2021-10-16/>

⁶⁸ Jürgen Haacke. 11 January 2007. Myanmar and ASEAN. The Adelphi Papers. Available at <https://www.tandfonline.com/doi/full/10.1080/05679320600831896?scroll=top&needAccess=true&role=tab>

⁶⁹ ASEAN Political-Security Community Blueprint 2025. Available at <https://www.asean.org/wp-content/uploads/2012/05/ASEAN-APSC-Blueprint-2025.pdf>

ASEAN Security Community Plan of Action. 2003. Available at <https://arc-agreement.asean.org/file/doc/2015/02/asean-security-community-plan-of-action.pdf>

⁷⁰ James Guyot. 1998. Burma in 1997: From Empire to ASEAN. Asian Survey. Available at <https://www.jstor.org/stable/2645678>

⁷¹ Joshua Kurlantzick. 9 September 2022. Why Democracy in Southeast Asia Will Worsen in 2023. Council on Foreign Relations. Available at <https://www.cfr.org/blog/why-democracy-southeast-asia-will-worsen-2023>

Enacting Responsibility to Protect⁷²?

At an early stage after the coup, many Myanmar people took to the street and raised the banner saying that “we need R2P”.⁷³ Applying R2P in Myanmar would be an almost impossible task as R2P is not well perceived among the military authority in the country as well as many Southeast Asian countries to some extent.⁷⁴

Former Australian Foreign Minister Gareth Evans raised some R2P means that could apply to Myanmar, including: (1) military force; (2) naming, shaming and diplomatic isolation; (3) arms embargo; (4) target sanctions; and (5) judicial action.⁷⁵ Looking back at ASEAN, the regional bloc has not even discussed any punitive measures regarding Myanmar or any other members on a principle basis based on the 2008 ASEAN Charter.⁷⁶ This is rooted with the bloc’s modus operandi, of which the bloc prefers consensus, consultations and diplomatic maneuvers to resolve any issue.⁷⁷

The use of force would not be practical and possible, citing the process is ongoing polarizations in the United Nations Security Council. Should this happen, it would lead to unintended consequences, like those in the Middle East, like Libya in 2011 for instance.⁷⁸ This would further complicate the current geopolitical landscape, of which there is a power competition among superpowers in Southeast Asia.

Nevertheless, armed embargo and targeted sanctions could be possible to some extents. The United Nations General Assembly on June 2021 adopted a resolution calling for restrictions of arms transfer flowing to Myanmar.⁷⁹ Yet, the political reality shows that many states, particularly

⁷² Responsibility to Protect (R2P) is a political commitment entailing that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. R2P was adopted unanimously by heads of state and government at the UN World Summit in 2005. According to Paragraph 139 of the UN World Summit Document (A/RES/60/1), “*The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.*” For more details, see United Nations Office on Genocide Prevention and Responsibility to Protect. 2023. RESPONSIBILITY TO PROTECT. Available at <https://shorturl.at/hCNV6>

⁷³ Gareth Evans. 26 April 2021. Applying R2P to Myanmar. Global Centre for the Responsibility to Protect. Available at <https://www.globalr2p.org/publications/applying-r2p-to-myanmar/>

⁷⁴ Zain Maulana and Edward Newman. 1 February 2022. Contesting the ‘Responsibility to Protect’ in Southeast Asia: Rejection or Normative Resistance?. Global Responsibility to Protect. Available at https://brill.com/view/journals/gr2p/14/1/article-p37_8.xml?language=en

⁷⁵ See Footnote 58.

⁷⁶ ASEAN. 2008. ASEAN Charter. Available at <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>

⁷⁷ See Footnote 38.

⁷⁸ Sally Khalifa Isaac. 2012. NATO’s Intervention in Libya: Assessment and Implications. IEMed Mediterranean Yearbook. Available at <https://www.iemed.org/publication/natos-intervention-in-libya-assessment-and-implications/>

⁷⁹ United Nations General Assembly. 2021. The situation in Myanmar: resolution / adopted by the General Assembly. Available at <https://digitallibrary.un.org/record/3930690?ln=en>

ASEAN Member States have limited tangible leverages⁸⁰ on Myanmar besides of diplomatic avenues, like ASEAN Summits among others.⁸¹ For armed embargo and targeted sanctions to work requires coordinated efforts by Friends to Myanmar to do, and requires states that have significant weight on Myanmar’s military authority to cooperate such as China, Russia and India.⁸² Without their cooperation, efforts would not be coordinated enough to convince the Myanmar’s military authority to return to the negotiating table for any meaningful comprehensive political settlements.

Possible ASEAN’s Alternative Approaches on Myanmar

	Approaches	Pro	Con
1	<i>Restructuring ASEAN’s Roles</i> Institutionalizing into ASEAN Task Force led by one Special Envoy attached to the ASEAN Secretariat	<ul style="list-style-type: none"> • Preserve continuity • Ensure some degree of objectivity and neutrality 	<ul style="list-style-type: none"> • Only work if Myanmar internal stakeholders cooperate
2	<i>International Conferences on Myanmar</i> ASEAN to convene all dialogue partners and parties concerning to the Situation in Myanmar	<ul style="list-style-type: none"> • Venue for confidence-building among all parties involving in Myanmar 	<ul style="list-style-type: none"> • Almost impossible to secure attendance from all concerning parties within the current situation in Myanmar and geopolitics.
3	<i>Reconsidering Myanmar’s ASEAN Membership</i> Suspending Myanmar from all ASEAN meetings, but preserve ASEAN perks for Myanmar	<ul style="list-style-type: none"> • Pressure Myanmar stakeholders to sort out internally with each other in order to gain int’l standings. 	<ul style="list-style-type: none"> • Could cause some unexpected consequences from Myanmar isolation • Would be a weaponized tool against outcasted ASEAN Member States
4	<i>R2P and Sanctions?</i> Enacting the principle of R2P, such as the use of military force and other coordinated sanctions	<ul style="list-style-type: none"> • Show quickly and ideally that the international community wants to save the Myanmar people 	<ul style="list-style-type: none"> • The use of force will be impossible and produce unintended consequences • ASEAN does not have any viable leverage to sanction Myanmar

Compilation by Authors (2023)

⁸⁰ Sihasak Phuanketkeow. 7 October 2021. Myanmar Crisis shows ASEAN’s Limits. Bangkok Post. Available at <https://www.bangkokpost.com/opinion/opinion/2193735/myanmar-crisis-shows-aseans-limits>.

⁸¹ Oren Samet. 23 April 2021. ASEAN Won’t Save Myanmar. Foreign Policy. Available at <https://foreignpolicy.com/2021/04/23/asean-summit-myanmar-coup-diplomacy-min-aung-hlaing/>

⁸² Human Rights Watch. 24 February 2021. UN Security Council: Impose Arms Embargo on Myanmar. Available at <https://www.hrw.org/news/2021/02/24/un-security-council-impose-arms-embargo-myanmar>

Conclusion

There is a need for ASEAN to seriously recalibrate its approach towards the ongoing crisis in Myanmar. ASEAN would need to recognize that it could not achieve different outcomes with the same approach that is proved from time to time not to be able to solicit any meaningful results. ASEAN should not hope that continued discussions would magically yield to any progress to the increasingly complicated situations in Myanmar.

Recent developments including the depths and breaths of Operation 1027 symbolizes that what is currently happening in Myanmar is not merely a political crisis that was resulted from the military coup on 1 February 2021, but also a pivotal moment whose consequences are likely to impact on the future of statehood of Myanmar. As a fellow ASEAN member, the question of Myanmar statehood and its geopolitical ramifications would have grave implications for the regional bloc.⁸³ Therefore, it is important that ASEAN earnestly step up its efforts and come up with bold strategies with realistic approaches to operationalize the Five-Point Consensus in a timely manner amidst this critical juncture in Myanmar.

This insight suggested some alternative approaches: (1) restructuring ASEAN's roles; (2) convening international conference on Myanmar; (3) reconsidering Myanmar's ASEAN Membership; (4) exploring the feasibilities of enacting the principle of R2P and coordinated sanctions. All of these have its own strengths and weaknesses, yet one thing for sure, ASEAN should not repeat the same approach that has not worked well and wish the same approach to yield different results. Therefore, only through exploring with open and objective minds on all possible options would help ASEAN to be more constructive and helpful in forming meaningful comprehensive settlements towards the Myanmar crisis.

However, the regional bloc's ultimate role would be limited to be a facilitator to help produce conducive environment to political negotiations among Myanmar's key political leaders. For this to happen depends on ASEAN members' ability to forge a consensus on a clear objective and a managed expectation based on practical indicators of what ASEAN can and cannot do, as well as will and will not do. After all, ASEAN should not be held hostage⁸⁴ by the Myanmar crisis because while it is an important matter, there are many pressing regional affairs that ASEAN has to take into account.

To put a stop to the ongoing violence and suffering of the Myanmar's people, it is crucial that Myanmar's political leaders submerge their differences and put the ultimate Myanmar's national interest of peace for the sake of their people. Myanmar is part of ASEAN's family. That is a fact. As family, ASEAN's key role is to help as much as possible but within its limited means. The destiny of Myanmar is ultimately decided by the Myanmar's leaders and people. Hopefully, the Myanmar's leaders and people would ultimately choose paths towards national reconciliation and peace.

⁸³ Myanmar 2023 in Review by Him Rotha

⁸⁴ Cliff Venzon, Tsubasa Suruga and Lien Hoang. 2022. ASEAN aims to put Myanmar on peace clock, stop being 'held hostage'. Nikkei Asian Review. Available at <https://asia.nikkei.com/Politics/International-relations/ASEAN-aims-to-put-Myanmar-on-peace-clock-stop-being-held-hostage>

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