

# ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ASEAN AND THE MYANMAR HUMANITARIAN CRISIS:

OVERCOMING CHALLENGES AND IDENTIFYING PATHWAYS



Asia-Pacific Centre for the  
Responsibility to Protect

## Acknowledgements

This report was prepared by a corresponding author **Mely Caballero-Anthony**<sup>1</sup> Professor of International Relations and President's Chair in International Relations and Security Studies; Head, Centre for Non-Traditional Security (NTS) Studies, Rajaratnam School of International Studies, Nanyang Technological University, Singapore.

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## Corresponding author Mely Caballero-Anthony

Professor of International Relations and President's Chair in International Relations and Security Studies; Head, Centre for Non-Traditional Security (NTS) Studies, Rajaratnam School of International Studies, Nanyang Technological University, Singapore.

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## Asia Pacific Centre for the Responsibility to Protect

School of Political Science and International Studies

The University of Queensland

St Lucia Brisbane QLD 4072

Australia

Email: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)

Web <https://r2pasiapacific.org/>



## I. Introduction

Two years since the military grabbed power in Myanmar in February 2021, deposing the duly elected government led by Aung Sang Suu Kyi, the Association of Southeast Asian Nations (ASEAN) finds itself in a quandary. As a regional institution created to help maintain peace and security in Southeast Asia, how does ASEAN deal with a member state that has had its government changed unconstitutionally and who had gone against the principles and norms outlined in the ASEAN Charter and the ASEAN Political Security Community (APSC)? How does ASEAN help protect the people of Myanmar from the continuing violence and persecution by the military? How does ASEAN provide humanitarian assistance to the hundreds of thousands of people who have been displaced by the crisis, and faced a slew of threats to their human security? And, last but certainly not least, how can ASEAN maintain its credibility as a regional Community that envisions for its “peoples [to] live in a safe, harmonious and secure environment, and embrace the values of tolerance and moderation as well as uphold ASEAN fundamental principles, shared values and norms”.<sup>2</sup>

The crisis in Myanmar has been a difficult regional issue that has caused open fissures in ASEAN. The continuing atrocities and political repression presented several dilemmas for how the regional body should respond. The longer the Myanmar crisis remains, the narrower the window of time left for ASEAN to do anything to help address the multiple problems facing its member state. Given ASEAN’s limited capacity to “intervene” and its strong adherence to the principles and norms of state sovereignty, non-interference and consensus, the options left for ASEAN are severely limited. The political and humanitarian crises in Myanmar have put intense pressure on ASEAN’s credibility and centrality. That said, ASEAN member states cannot give up on exploring possible solutions and avenues to break the impasse in Myanmar. Even if the prospects of suspending and/or expelling Myanmar from ASEAN are compelling, the reality is that Myanmar is not only a part of the ASEAN community but a close neighbour to many members of ASEAN. After establishing itself as a regional body for more than 50 years and embracing the notion of an ASEAN Community for more than two decades, ASEAN cannot simply turn its back on Myanmar. The Myanmar crisis is a crisis for ASEAN, and the humanitarian problems happening within the state are a humanitarian crisis for Southeast Asia and beyond.

This report aims to review efforts by ASEAN, the United Nations (UN) and ASEAN dialogue partners to address the worsening humanitarian crisis in Myanmar post-coup and the compounding political instability. It offers potential pathways and recommendations for regional and international actors to overcome significant challenges to the delivery of humanitarian aid and facilitate peaceful national dialogues.

## II. Humanitarian Crises in Myanmar

There are many faces to the humanitarian crises in Myanmar. Two stand out: (1) the Rohingya refugee situation, and (2) the 2021 military coup and its ramifications. This report will touch briefly on the first while focusing more on the second. Certainly, the humanitarian crisis following the coup has attracted the attention of the international community, and a number of humanitarian efforts are being conducted by various actors, including states such as Japan, humanitarian organisations and civil society.

The nature of the Rohingya crisis spans decades, and it is important to note that the history of suffering of the Rohingya people in Myanmar stretches back to the efforts of the modern Burmese state to exclude the Rohingya from Burmese citizenship. Despite living in Myanmar for many generations, the Rohingya are not recognised as an official ethnic group and have been denied citizenship since 1982, making them the world's largest stateless population. But it was not until the "clearance operations" conducted by the Tatmadaw in August 2017 that the international community witnessed the worst outbreak of violence against the Rohingya yet seen. Nearly 725,000 Rohingya were forced to flee to neighbouring Bangladesh. Half of the refugees were children. Myanmar authorities, including Aung San Suu Kyi, claimed it was terrorism, not social discrimination, or inequality, that triggered the crisis.<sup>3</sup>

There are currently more than 980,000 Rohingya refugees and asylum seekers from Myanmar in neighbouring countries. This includes more than 200,000 Rohingya who had fled Myanmar in previous years, primarily through boat smuggling. These Rohingya and Bangladeshi "boat people" were landing on the shores of Indonesia, Malaysia and Thailand. The migrant boat crisis peaked in 2015 when thousands of Rohingya and Bangladeshi migrants were feared stranded in boats in the Andaman Sea after their crews deserted them. Indonesia, Malaysia and Thailand had, in several instances, turned away the migrant boats. Survivors described desperate conditions on the boats, with people thrown overboard amid fights for food. At the time, ASEAN expressed collective concern over this grim humanitarian crisis.<sup>4</sup>



- ***No. of Rohingya who left Myanmar in 2017: 700,000***
- ***No. of Rohingya currently living in refugee camps in Cox Bazar, Bangladesh: 980,000***

*Source: IOM, 2023*



The National League for Democracy (NLD) government of Myanmar recognised ASEAN's role after the 2017 Rohingya crisis, particularly in assisting with the humanitarian needs of the displaced communities. It expressed its willingness to accept the involvement of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre). The ASEAN Emergency Response and Assistance Team (ASEAN-ERAT) deployed several missions to Myanmar throughout 2018.<sup>5</sup> In 2019, ASEAN-ERAT, together with the ASEAN Secretariat and the AHA Centre, joined the high-level visits led by the government of Myanmar to Cox's Bazar in Bangladesh to facilitate the repatriation of the displaced persons there.<sup>6</sup> However, no regional effort has yet succeeded in safely repatriating the Rohingya people back to Rakhine.

ASEAN utilised creative interpretations of its non-interference principle as it sought constructive engagement with Myanmar on problems that have security implications for ASEAN as a whole. However, the intractable issue of the Rohingya crisis, which emanated from complex ethnicity and citizenship issues in Myanmar, has a domestic core to it. Admittedly, ASEAN's role in Myanmar can only address aspects of the issue that affect regional interests.<sup>7</sup>

Nonetheless, a report by the Independent International Fact-Finding Mission on Myanmar has found that many



of the actions taken by the Tatmadaw violated international law, and included acts of genocide, crimes against humanity, and war crimes. The present case against Myanmar under the UN Genocide Convention in the International Court of Justice in The Hague addresses these violations. The report also observed that a number of humanitarian assistance programmes were being carried out by several states, humanitarian organisations and civil society groups, noting that these efforts faced fewer challenges and resistance since they were done mostly outside Rakhine State to help the Rohingya in the refugee camps in Bangladesh.<sup>8</sup> Still there are serious concerns about the decreasing humanitarian space given the lack of access to aid and sustainable funding.

### **Humanitarian Crisis Post-2021 Coup**

The humanitarian crisis caused by the military coup can be described as a crisis of magnified proportions. The stakes are much higher this time with an internationally lauded (though also contentious) democratic leader, Aung San Suu Kyi, being imprisoned and a worsening humanitarian crisis. Aung San Suu Kyi has been in custody since the military overthrew her government in February 2021. She is presently under solitary confinement at the notorious Naypyitaw Prison after initially being under house arrest at an undisclosed location. She is now facing 33 years of imprisonment after being found guilty of all 19 trumped-up charges against her during closed-door trials before a junta court lasting 18 months.<sup>9</sup>

The coup was met with strong resistance from the Myanmar people, and numerous legislators, activists, protestors and other members of civil society were subjected to arbitrary detention, murder, enforced disappearance and other human rights violations. Large-scale indiscriminate military attacks have also taken place, resulting in an escalation of the violence experienced by civilians, including those in the “dry zone”, which had previously remained less exposed to the conflicts in the frontier regions of Myanmar.<sup>10</sup>

Facing intense international scrutiny and with member states under pressure from their own people, ASEAN agreed to an unprecedented – but modest – Five-Point Consensus and barred the military junta from attending the ASEAN Summit. These moves demonstrate a degree of ASEAN unity on the Myanmar crisis that seems to have endured even with the Tatmadaw stonewalling progress by ASEAN.<sup>11</sup>

### **Compounding Political Instability and Worsening Humanitarian Crisis**

The Tatmadaw’s State Administration Council (SAC) set up soon after the military coup and the National Unity Government (NUG) comprising members of the deposed NLD-led government are battling to win international recognition. Which party claims and maintains de facto leadership and political legitimacy all depends on internal dynamics and external factors. The SAC and the NUG each asserts that they are Myanmar’s rightful representative. While the SAC holds effective control of the country through its repressive state apparatus, the junta’s constitutional legitimacy is in doubt. The SAC is led by junta chief Senior General Min Aung Hlaing, who is currently barred from participating in ASEAN leaders’ meetings. The NUG was formed by lawmakers elected in November 2020 and has popular support domestically. International engagements with the NUG have mostly stopped short of outright recognition, however. Several Southeast Asian diplomats and commentators have called for ASEAN to meet and consult not just with the SAC but also the NUG.<sup>12</sup>

Mr Tom Andrews, UN Special Rapporteur on the situation of human rights in Myanmar, warned that the junta was planning to seek legitimacy in 2023 by orchestrating a “sham election”. He urged UN member states, international organisations and election monitoring groups not to provide technical support to the SAC in its efforts to appear legitimate. Addressing ASEAN member states separately in his 2023 report, the UN Special Rapporteur noted that the regional grouping was divided on its policy of engagement vis-à-vis Myanmar’s junta and the NUG: “Brunei, Indonesia, Malaysia, the Philippines, and Singapore have reduced diplomatic engagement with the SAC and rejected its claims of legitimacy. Some of these Member States have also engaged with the National Unity Government. Cambodia, Laos, Thailand, and Vietnam have chosen to engage with the SAC.”<sup>13</sup>

Beyond political and diplomatic battles, the emergence of new armed resistance fighters adds to the complexity of the crisis in Myanmar. Shortly after the military seized power and quashed nonviolent protests with lethal force, thousands of young people slipped away to remote rural areas to become guerrilla fighters. They became active members of the People's Defence Force (PDF), training themselves to fight Myanmar's military rulers. The NUG had formed the PDF, its armed wing, in September 2021. The PDF receives substantial support from and have alliances with ethnic armed organisations (EAOs), which themselves have been involved in decades-long conflicts with the Tatmadaw in Myanmar's minority states. After the 2021 coup, the military junta continued to use its airpower and army assaults against EAOs and the anti-junta PDF.<sup>14</sup>

The military coup, and the subsequent armed conflicts involving the Tatmadaw and resistance and ethnic armed fighters, has resulted in the country's worst humanitarian crisis yet. Two years on from the 2021 military takeover, humanitarian needs are on the rise, and the operational environment is worsening. Around 17.6 million people – nearly one third of the population – are estimated to be in humanitarian need in 2023, based on figures from the UN Office for the Coordination of Humanitarian Affairs (OCHA).<sup>15</sup>



- **No. of refugees and asylum seekers from Myanmar in neighbouring countries:** 1,086,000
- **No. of internally displaced persons (IDPs) across the country as of Jan 2023:** 1,584,000
- **Total IDPs within Myanmar since the 2021 military coup (estimated):** 1,254,000
- **No. of civilian lives lost since the coup:** 2,940
- **No. of people arrested by the SAC:** 17,572
- **No. of people in humanitarian need (estimated):** 17,600,000
- **No. of people across Myanmar facing acute food insecurity:** 15,200,000

Sources: UNHCR, 2023; UN OHCHR, 2023; WFP, 2022; UN OCHA 2023; RFA, 2022



According to UN Refugee Agency (UNHCR), the estimated total for internally displaced persons (IDPs) within Myanmar since February 2021 is more than 1.2 million. And, there were 1 million refugees and asylum seekers from Myanmar recorded as of 30 June 2022. Indiscriminate military assaults in Chin and Sagaing resulted in new displacements and cross-border movements between Myanmar and India. The constant military airstrikes and armed encounters with ethnic armies have reduced access to food and basic commodities for IDPs, particularly in Kayah and Shan (South) States and Tanintharyi Region. In Rakhine and Chin (South) States, the informal November 2022 ceasefire between the Arakan Army (AA) and the Tatmadaw remains in place although the situation is unstable amid fears conflict will erupt soon.<sup>16</sup>

Since the military coup, there have been regular reports of the Tatmadaw targeting civilians and civilian infrastructure through airstrikes and bombardments. Village and places of worships have also been razed. The indiscriminate violence and military attacks have claimed at least 2,940 lives as of 31 January 2023.<sup>17</sup>

According to the World Food Programme (WFP), hunger and food insecurity have grown even more complicated and severe across Myanmar due to the compounding impact of pre-existing poverty, COVID-19 and the current political crisis. Since the military takeover, the economy is in shambles, leaving millions of people struggling to find sustainable income, employment and basic services, and, increasingly, also facing challenges meeting their basic food needs. Around 40 percent of the population are estimated to be living below the national poverty line,

erasing a decade of progress on poverty reduction. Food insecurity has become more entrenched, with conflict, increasing inflation and commodity prices, as well as access and movement restrictions all playing a part. Around 15.2 million people across Myanmar are facing acute food insecurity, with worrying implications for malnutrition in 2022, especially for vulnerable communities in conflict-affected states.<sup>18</sup>

### III. ASEAN'S Five-Point Consensus: One Step Forward, Several Steps Backward

Amid the international condemnation of the military coup in Myanmar and ASEAN's perceived inaction two months into the crisis, the regional organisation adopted the Five-Point Consensus (5PC) at the Special ASEAN Summit held in Jakarta, Indonesia on 24 April 2021. Convened under the ASEAN chairmanship of Brunei, the Summit saw General Min Aung Hlaing, head of the SAC, attending as a participant by invitation from the ASEAN leaders. As agreed, the 5PC was to serve as the framework for ASEAN to help resolve the Myanmar crisis. The following are elements of the 5PC:<sup>19</sup>

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

To date, except for the appointment of the envoy, none of these points has materialised.<sup>20</sup> During the first year of the crisis, the Tatmadaw stonewalled ASEAN's efforts, preventing the special envoy's visit in October 2021.<sup>21</sup> Consequently, the junta chief was excluded from attending the ASEAN Summit from 26 to 28 October 2021. In an unprecedented decision, ASEAN would allow Myanmar to send only a "non-political representative" to the Summit; this was rejected by the military junta.<sup>22</sup> The Brunei Chairmanship ended without any visit to Myanmar, with the junta doing little to accommodate ASEAN requests.<sup>23</sup> Meanwhile, Human Rights Watch reported that the Tatmadaw was blocking and seizing international aid.<sup>24</sup>

On 25 January 2022, Cambodia on its own initiative visited Myanmar to the surprise and dismay of other ASEAN member states, international observers and the Myanmar people.<sup>25</sup> However, despite Cambodia's attempt to accommodate the military junta, Myanmar again rebuffed the invitation to send a non-political representative to the ASEAN Foreign Ministers' Meeting in February 2022.<sup>26</sup> Moreover, while the junta received the new ASEAN (Cambodian) special envoy for three days, from 21 to 23 March 2022,<sup>27</sup> they refused his request to meet with opposition parties and the ousted NUG lawmakers.<sup>28</sup> They also denied the envoy's request to meet with Aung San Suu Kyi, citing her ongoing trials.<sup>29</sup> The hardening of position by the junta regarding the prospects of dialogue among parties and the mediation of the special envoy was clearly reflected in General Min Aung Hlaing speech on 27 March 2022 when he declared that the SAC will "*no longer take into account negotiation with the terrorist groups and their supporters*" and "*will annihilate them to an end*".<sup>30</sup> On 27 April 2022, Aung San Suu Kyi was handed a five-year sentence in the first of 12 corruption cases against her.<sup>31</sup>



### *Highlights of the ASEAN Leaders' Review and Decision on the Implementation of the 5PC*

**POINT 2:** Myanmar remains an integral part of ASEAN.

**POINT 5:** Myanmar military must comply with its commitments to the ASEAN leaders.

**POINT 7:** An implementation plan for the 5PC with measurable, practical, concrete indicators with timelines will be crafted by ASEAN foreign ministers.

**POINT 8:** Engagement with all stakeholders in Myanmar would be done in a flexible and informal manner, primarily undertaken by the special envoy of the ASEAN chair.

**POINT 11:** All armed parties should be fairly held accountable and condemned for violence, noting that the Tatmadaw is the single largest military force in Myanmar.

**POINT 12:** The ASEAN Secretary-General and the AHA Centre should have some degree of autonomy to facilitate the delivery of humanitarian aid.

**POINT 13:** ASEAN needs the support of UN and external partners in implementing the 5PC.

**POINT 14:** ASEAN shall consider exploring other approaches that could support the implementation of the 5PC.



On 22 November 2022, ASEAN leaders issued an important consensus document called the “ASEAN Leaders’ Review and Decision on the Implementation of the Five-Point Consensus” (RDI-5PC document). The RDI-5PC could be regarded as an addendum to the 5PC, and reflects the current thinking of the nine ASEAN leaders on the state of the Myanmar crisis and the next steps. While there have been disagreements and different perspectives among ASEAN members on how to deal with the crisis, the document reiterated the resolve of ASEAN leaders to regard Myanmar as “an integral part of ASEAN” (Point 2), thereby sending a loud and clear message that ASEAN will not disengage from Myanmar.

While others may view the RDI-5PC as a re-hash of the 5PC, there are salient points worth noting. Point 5 shows the ASEAN leaders’ dissatisfaction with the lack of progress in realising the 5PC and the lack of compliance on the part of the Myanmar Armed Forces to its FPC commitments. Point 7 calls for an implementation plan with concrete, practical and measurable indicators with specific timelines, suggesting that ASEAN’s patience is wearing thin in the face of the vague and ambiguous pledges from the junta.<sup>32</sup>

Point 8 of the RDI-5PC further reflects the approach now adopted by ASEAN in engaging with all stakeholders in Myanmar, stating the engagement by the ASEAN special envoy with all stakeholders “would be done in a flexible and informal manner ... due to the neutrality that is inherent in his/her mandate”.<sup>33</sup> This allows the special envoy to informally engage with other non-military stakeholders, most especially the NUG as well as equally important political groups and EAOs. Indonesia’s Foreign Minister Retno Marsudi, who is also the new Special Envoy of the ASEAN Chair, emphasised recently that only through engagement with all stakeholders can the 5PC’s mandate to facilitate an inclusive national dialogue be fulfilled.<sup>34</sup> ASEAN leaders also pointed out in their review that “all parties bearing arms” are to be held accountable for their actions and condemned for the violence, highlighting that “the Myanmar Armed Force is the single largest military forces in Myanmar” (Point 11). This implicitly suggests that the Myanmar military carries the largest responsibility for the violence committed so far.<sup>35</sup>

More significantly, on the pressing agenda of providing humanitarian assistance to all vulnerable sectors in Myanmar, ASEAN leaders unequivocally conferred “some degree of autonomy” to the ASEAN Secretary-General and the AHA Centre. This is a positive development as it could help eradicate any bureaucratic impediments at the regional level that had hampered the AHA Centre’s delivery of humanitarian assistance for Myanmar.



Last, but not least, the RDI-5PC underscored the importance ASEAN leaders place on the respective roles that the UN, ASEAN dialogue partners and the international community can play to support the implementation of the 5PC (Points 13 and 14). This is a recognition that ASEAN needs, and is willing to forge cooperation with, international partners in addressing the Myanmar crisis.<sup>36</sup>

#### **IV. Moving forward: Potential Pathways and Recommendations**

After two years of ASEAN trying to make progress on the Myanmar crisis, many observers have called for a different approach and for starting with a new slate given the stalemate between the nine ASEAN members and Myanmar.

The United Nations Security Council (UNSC) adopted the resolution on the Situation in Myanmar on 21 December 2022, with 12 of its 15 members in favour, while India, China and Russia abstained. The resolution expressed “deep concern” at the continuing state of emergency since the military seized power and the “grave impact” of the coup on the Myanmar people. It upholds ASEAN’s central role in the search for a peaceful solution to the situation.<sup>37</sup> But the resolution lacks strength.

Despite the UNSC resolution on Myanmar, there is currently no appetite in the international community to do more than condemn the atrocities committed by the junta and impose sanctions. Since the coup, the US, Canada, Australia and the United Kingdom, for instance, have imposed trade and financial sanctions on Myanmar’s state-owned and military-controlled enterprises, senior military officials and their families, election commission officials, and military-affiliated cronies and businesses. They have put in place similar sanctions on arms suppliers doing business with the Tatmadaw.<sup>38</sup> The EU has also imposed various forms of trade embargo, export control measures and travel bans, and withheld EU financial assistance to Myanmar state bodies.<sup>39</sup> Sanctions, however, have limited impact in effecting significant behavioural changes on the part of the SAC. Meanwhile, the humanitarian crises in Myanmar are only expected to deteriorate, further worsening the human security of the people in the country.

Against a bleak scenario, there are more than compelling reasons for ASEAN not to give up on Myanmar. Perhaps, instead of creating something new, akin to throwing the baby out with the bathwater, the argument should be in the direction of building from whatever little progress has been made on the 5PC. Below are some potential pathways and recommendations:

##### **1. Re-imagining and strengthening the role of the ASEAN special envoy to Myanmar**

The role of the ASEAN special envoy has drawn a lot of attention, with the lack of progress on the 5PC leading to frustration with the ineffectiveness of ASEAN in addressing the Myanmar crisis. The crisis has already seen two ASEAN special envoys, that is, Brunei’s Second Minister of Foreign Affairs, Erywan Yusof, followed by the Cambodian Minister of Foreign Affairs, Prak Sokhonn. That it took six months and a lot of back-and-forth between ASEAN and Myanmar before Minister Erywan was appointed as the special envoy reflected the challenges faced by the grouping in implementing the 5PC.<sup>40</sup> With the chairmanship of ASEAN currently held by Indonesia, its Foreign Minister Retno Marsudi has been appointed the special envoy.

Certainly, there have been questions as to whether ASEAN members were on the same page in how to deal with their recalcitrant member. In the early phases of the conflict, there were palpable divisions among ASEAN members on the implications of the coup and the extent to which members should engage Myanmar, amid concerns about going against the ASEAN principle of non-interference in domestic affairs. Soon after the adoption of the 5PC in April 2021, some older ASEAN members like Indonesia, Malaysia and the Philippines were perceived to be pushing for its implementation while others were seen to be sitting on the fence.

The lack of unity is also reflected in the way the special envoys approached their mission. The first envoy, Erywan, stuck to the spirit of the 5PC. By October 2021, within months of the 5PC being adopted, he had openly acknowledged the lack of progress on the ASEAN framework,<sup>41</sup> and he cancelled his planned visit on being denied his request to visit and meet with other parties.<sup>42</sup> While the Statement of the Bruneian Chairman of the ASEAN Foreign Ministers' Meeting on 16 October 2021 noted the need to "allow Myanmar the space to restore its internal affairs and return to normalcy" and opened the option of a non-political representative being sent to the ASEAN Summits that were coming up,<sup>43</sup> the Chairman's Statements that followed, at the 38th and 39th ASEAN Summits, called for Myanmar to implement the 5PC. The statements emphasised the need to "*exercise utmost restraint, provide humanitarian access and assistance through the AHA Centre, and facilitate the repatriation of displaced Burmese (Rohingya) in accordance with the bilateral agreement with Bangladesh*".<sup>44</sup>

In contrast to Brunei's approach, the Cambodian chair's engagement with Myanmar, under Prime Minister Hun Sen and Prak Sokhonn as the second ASEAN special envoy, was more controversial, moving away from the "limited isolation" of Myanmar to an approach of accommodation. Hun Sen's unannounced visit to Myanmar in January 2022 was seen as Cambodia breaking ranks with its fellow ASEAN members who were more critical of Myanmar. Cambodia allowed Myanmar to "listen in" on the Foreign Ministers' Retreat in February 2022 and announced that its attendance in future meetings will be reviewed on a case-by-case basis.<sup>45</sup> The ASEAN Chairman's Statement on the Situation in Myanmar on 2 February 2022, which called for "an inclusive political solution that is Myanmar-owned and Myanmar-led", reflected the lack of unity among ASEAN members in how to deal with the crisis.<sup>46</sup> Arguably, the lack of common resolve among ASEAN member states allowed Myanmar to renege on its commitment to the 5PC, a position that openly frustrated Hun Sen after giving the junta some slack, and he indicated that he would leave it to the next ASEAN chair, Indonesia, to deal with Myanmar.<sup>47</sup> As a sign of the further calibrating of ASEAN's approach on the implementation of the 5PC, Prak Sokhonn, in his briefing notes of 23 March 2022, noted ongoing discussions on establishing an ASEAN Troika named the Friends of Myanmar. The junta received the ASEAN special envoy under Cambodia for three days, from 21 to 23 March 2022,<sup>48</sup> which resulted in the agreement to establish the Humanitarian Corridor Arrangement to facilitate the distribution of humanitarian assistance and relief to the affected communities in Myanmar.<sup>49</sup> However, the establishment, and maintenance, of humanitarian corridors has yet to be realised.

### **Creation of the Office of the Special Envoy**

As holder of the ASEAN chairmanship for 2023, Indonesia immediately showed its resolve to put more pressure on the military junta to implement the 5PC. On 11 January, Indonesian Foreign Minister Retno Marsudi announced that Indonesia is setting up in Jakarta the office of the ASEAN Special Envoy on Myanmar. The office will spearhead ASEAN's efforts to engage all stakeholders in the Myanmar crisis and urge the military junta to uphold the 5PC. This initiative to set up a dedicated office to handle the Myanmar crisis reflects the seriousness with which Indonesia takes the conflict, raising hopes for new ideas on how best to utilise the potential of this ASEAN mechanism.

In a report on finding ways to resolve the political crisis in Myanmar, it was suggested that the role of the ASEAN envoy should be institutionalised with clear Terms of Reference, starting with the re-naming of the role from "Special Envoy of the ASEAN Chair" to "Special Envoy of ASEAN".<sup>50</sup> The shift in title is significant in signalling a move away from the current practice of having a new special envoy every time a new ASEAN chair takes office. The practice is not only disruptive but offers little continuity. New envoys have to re-start the process of engagement, which risks losing whatever momentum and/or progress has been made.

The institutionalisation of the ASEAN special envoy for Myanmar should be considered a significant step forward. While setting up a permanent office with a secretariat and logistical staff could be an initial move, ASEAN should seriously take the idea of having a more permanent special envoy. One of first steps in this direction is to appoint a special envoy who is not the foreign minister of the sitting ASEAN chair, but a diplomat or representative chosen by

ASEAN countries who can serve beyond just one year and steer the office's specific mandate into the foreseeable future.

## **2. Utilise the full capacity and potential of ASEAN's AHA Centre**

The crisis in Myanmar has already caused untold suffering to the people in Myanmar with many facing sudden economic displacement, food insecurity and health threats, including the ongoing COVID-19 pandemic. In June 2022, the UN Special Envoy to Myanmar, Noeleen Heyzer, warned that the over 1 million IDPs across the country represent "serious regional and international ramifications".<sup>51</sup> Providing humanitarian assistance has thus become more urgent than ever in Myanmar.

With the junta blocking international aid,<sup>52</sup> a lot of hope has been placed on ASEAN delivering the much-needed humanitarian aid to the people in Myanmar through the AHA Centre. The AHA Centre had earlier been involved in helping the affected communities in Rakhine State in 2017 in the aftermath of another crisis, that of the Rohingya refugees. It also delivered medical equipment and supplies to the Myanmar Red Cross Society in September 2021.<sup>53</sup> However, the military junta remains cautious about facilitating access for international aid, even with ASEAN at the discussion table.<sup>54</sup> Naypyidaw, after all, has an interest in seeing their resistant civilian population weakened or dependent on the junta.

The role of the AHA Centre has also been very limited, not only by its narrow mandate of providing assistance in times of natural disasters but also by its own governance structure. The AHA Centre's governing board comprises all the member states of ASEAN, including Myanmar. What it can and cannot do is dependent on the imprimatur given by its governing board. It could be argued that the influence of the SAC continues to shadow the ASEAN-led humanitarian process. As pointed out by FORUM-ASIA, the AHA Centre's efforts hinge on the whim of Myanmar as part of its governing board and as the receiving or requesting party.<sup>55</sup> The junta is the primary node for humanitarian aid provision, yet also the cause of the unfolding humanitarian crisis. With the current institutional arrangement of the AHA Centre, channelling aid through the centre risks the aid being appropriated or limited by the junta and emboldening their position nationally and internationally.<sup>56</sup> Arguably, these kinds of risks are also faced by other humanitarian actors, and reflective of the decreasing humanitarian space in Myanmar.

Furthermore, the AHA Centre has limited experience and mandate in manmade humanitarian crises caused by political conflicts, a point often raised by its former executive director, Adelina Kamal.<sup>57</sup> As noted earlier, it was mobilised to help affected communities during the Rohingya crisis in 2017–2018, forming ASEAN-ERAT to distribute supplies, monitor the situation and assist displaced persons in cooperation with Myanmar.<sup>58</sup> Yet this hinged on the AHA Centre "win[ning] the trust of the host government".<sup>59</sup> A similar setup might be difficult given the current strained ASEAN–Myanmar relations and heightened political stakes. The ASEAN Agreement on Disaster Management and Emergency Responses (AADMER) Work Programme from 2021 to 2025 made only one mention of the Myanmar crisis.<sup>60</sup> All its working groups have Myanmar in chairing or membership capacity.<sup>61</sup> As further argued by Kamal, ASEAN should seriously consider suspending the junta from the decision-making processes of the AHA Centre if it were to be effective in delivering aid.<sup>62</sup>

Thus, while the AHA Centre is given a lot of importance in implementing the fourth point of the 5PC, the aim of establishing and maintaining a humanitarian corridor in crisis-ridden Myanmar has become extremely difficult given its constraints. That said, the AHA Centre remains useful. In spite of its limitations, it could lend its credibility to other bigger and more able humanitarian organisations by becoming the focal point for their expertise and resources to advance the establishment of a humanitarian corridor. Most significantly, ASEAN leaders giving the imprimatur for the AHA Centre and the ASEAN Secretary-General as the ASEAN humanitarian coordinator to have "more autonomy" to facilitate delivery of humanitarian assistance in Myanmar (see Point 12 of RDI-5PC) should open spaces for the officers of the AHA Centre to push ahead with innovative and bolder strategies to bring aid to

affected communities in Myanmar. The AHA Centre already has the proven ability and experience in coordinating aid distribution. With the new push from ASEAN leaders, it should be able to exercise its operational autonomy to find ways to get humanitarian access to deliver aid, including working with local partners in Myanmar.

Moreover, it is in the interest of ASEAN member states who share borders with Myanmar, like Thailand, to work with and make use of what the AHA Centre can offer. Similarly, as a close neighbour of Thailand, Cambodia can work closely with Thailand given the kind of leverage and stakes it has on related humanitarian issues at the Thailand–Myanmar borders.<sup>63</sup>

### **3. Step up efforts in engaging all stakeholders in Myanmar**

Former Malaysian Foreign Minister Saifuddin Abdullah, whose candid remarks about the troubled peace process had angered the junta, had spoken about the need for more involvement of ASEAN states in the Myanmar crisis. He strongly advocated that all ASEAN member states directly engage with the junta's opponents and bring other countries into the fold. He argued that ASEAN members must morally support Myanmar's people and engage with opposition groups formed after the coup, including the shadow government led by the NUG.<sup>64</sup> While he was foreign minister of Malaysia, he publicly met with members of the NUG, the only ASEAN minister to have done so. Saifuddin's stance echoes what civil society organisations in Southeast Asia, particularly in Myanmar, have been pushing for, that is, ASEAN members should "meet with the National Unity Government (NUG), Ethnic Armed Organisations (EAOs), and local civil society organisations to develop cross-border humanitarian assistance delivered by a trusted local humanitarian and community-based organisation".<sup>65</sup>

While Saifuddin is no longer foreign minister – he lost his cabinet position after Malaysia's general election in November 2022 – the new administration of Prime Minister Anwar Ibrahim maintains Malaysia's harder line on the junta regime. During Anwar's visit to Indonesia, both governments unanimously agreed to increase the pressure on Myanmar's military government.<sup>66</sup> The compact between the two most outspoken critics of the junta, Malaysia and ASEAN chair Indonesia, can help push other members in ASEAN to strongly support efforts to get all stakeholders in Myanmar engaged, either in pushing for some kind of dialogue among the relevant stakeholders, or to start exploring possibilities for a dialogue between the SAC and other stakeholders.

As announced by Foreign Minister Retno Marsudi on 3 February 2023, Indonesia as ASEAN chair will put forward three approaches this year: (1) engaging all stakeholders as a first step toward convening an inclusive national dialogue; (2) creating favourable conditions to pave the way for a national dialogue (reduction of violence and continuation of humanitarian assistance for all needed); and (3) synergising ASEAN efforts with neighbouring, concerned countries and the UN special envoys to Myanmar as well as other countries.<sup>67</sup> However, it remains to be seen how much progress Indonesia can make in implementing these plans. There is also the challenge of how to push the agenda of humanitarian assistance and decoupling this from the goal of initiating an inclusive political dialogue. Indonesia would therefore need to carefully balance the two goals to avoid blurring the lines.

### **4. Advance a regional humanitarian and protection agenda**

Since taking over as ASEAN chair for 2023, Indonesia has been trying to move the issue of provision of humanitarian aid forward. While Foreign Minister Retno Marsudi has announced that she has "spoken with the AHA Centre and the ASEAN Secretariat and suggested that communication should be resumed to discuss humanitarian assistance including issues of access and distribution with an emphasis on the principle of humanitarian assistance for all needed",<sup>68</sup> concerns over the degree to which humanitarian assistance can be effectively delivered to the affected people in Myanmar remain. There are also questions on the extent to which Indonesia will be able to harness a tougher collective stance among ASEAN members. Nonetheless, as pointed out by Singapore Foreign Minister Vivian Balakrishnan, "the rate limiting factor for progress is not ASEAN – it is really the stakeholders within Myanmar itself ... but ASEAN will do its best deliver humanitarian assistance...."<sup>69</sup>



UN Special Envoy Dr Noeleen Heyzer has urged the international and regional communities to act as a united front on the humanitarian crisis, and pressure the regime to end the violence and return the country to democracy. She has strongly encouraged ASEAN members to collectively adopt a regional protection framework to holistically assist all vulnerable populations in Myanmar. In particular, she suggested that ASEAN must start talking about a ***regional protection framework for the refugees and for the forcibly displaced people*** and, within that framework, establish a monitoring system in the region to monitor violence and reduce it.<sup>70</sup> She also urged countries in the region to end forced returns of Myanmar refugees.<sup>71</sup>

The suggestion by the UN Special Envoy, who is familiar with the region and has a long history of working with the people in Myanmar, should not be dismissed.<sup>72</sup> A Regional Framework for Refugee Protection that respects the principle of non-refoulement, protects human rights and serves the shared interests of countries in the region could be one collective response of ASEAN to the lack of progress in 5PC implementation. On this aspect, Myanmar's Southeast Asian neighbours will have an important role to play.

Thailand can be a key actor in any protection framework that will be considered by ASEAN for the Myanmar crisis. Delivering cross-border humanitarian assistance to ethnic minorities near the Thailand–Myanmar border will definitely require the endorsement and participation of Thailand. However, for any regional protection framework in the future to be realised, it is essential for countries in the region to legislate new laws reflecting recent trends in forced migration and cross-border humanitarian needs. Thailand and Indonesia, for instance, have national frameworks, recently enacted, prohibiting forced repatriation of refugees.

Thailand and Myanmar share a border of over 2,400 kilometres, and the attacks by the junta on ethnic minorities near the border have displaced hundreds of thousands. While there have been reports of minorities running away from the violence and then being sent back to Myanmar by Thai border security forces, Thai Prime Minister Prayut Chan-ocha nevertheless said “his country is ready to shelter anyone who is escaping fighting, as it has done many times in recent decades”.<sup>73</sup> Between February 2021 and July 2022, the UNHCR estimates that 20,000 refugees entered Thailand from Myanmar. The majority were given only temporary access before having to return. Since Myanmar's coup began, local Thai media have reported a commitment by Prime Minister Prayut Chan-ocha to offer humanitarian support and to see refugees return to Myanmar only on a voluntary basis.<sup>74</sup> In most of the recent instances of armed attacks in Myanmar's ethnic communities, injured Myanmar refugees have received medical attention at Sop Moei Hospital in Mae Hong Son after crossing into Thailand via the Salween river following air-strikes in Myanmar's Karen State.

Moreover, Thailand has a history of welcoming refugees from Laos, Cambodia or Vietnam since the 20th century wars in Indochina. One recent development in Thailand is the passage of the Anti-Torture Act in October 2022 which will prevent refugees and asylum seekers in the country from being returned should there be a legitimate threat posed to their safety. Section 13 of the Act states: “No government organizations or public officials shall expel, deport, or extradite a person to another country where there are substantial grounds for believing that the person would be in danger of torture, cruel, inhuman, or degrading treatment, or enforced disappearance.” In addition, the Thai Cabinet finally approved in the same month the long-awaited rules for the National Screening Mechanism, which will establish eligibility criteria for applicants seeking to obtain refugee protection in Thailand. While many remain sceptical over aspects of the implementation of the new law (which took effect in February 2023) and the National Screening Mechanism, these two national policies signify progress on instituting protection frameworks for refugees and asylum seekers in Thailand, particularly those seeking protection from armed violence in Myanmar.<sup>75</sup>

Malaysia can also be another important player and contributor to a regional protection framework as there are

some 183,000 refugees and asylum seekers in Malaysia, of whom 86 percent are from Myanmar. In February 2021, over 1,000 Myanmar refugees were deported from Malaysia despite a court order temporarily halting their repatriation. The deportees were picked up by Myanmar navy ships. Human rights observers noted that deportations have since continued, and that they follow heightened anti-immigrant sentiments during the pandemic. Between April and October 2022, over 2,000 Myanmar nationals including military defectors were returned without assessment of their asylum claims or other protection needs. With a new Cabinet led by Prime Minister Anwar Ibrahim, it remains to be seen whether the pace of raids and deportations will keep up, given Malaysia's current immigration laws and that it is not a party to the UN's 1951 Refugee Convention.<sup>76</sup> A comprehensive protection framework must include the re-imposition of a moratorium on the repatriation of Myanmar nationals, and refugees being allowed to work in the country. According to former Malaysian Foreign Minister Saifuddin Abdullah, these two suggestions would show that Malaysia is "really humanitarian in our approach".<sup>77</sup>

Indonesia has been among the transit countries of Rohingya refugees in recent years as most of them move to Malaysia where they have family links or Thailand.<sup>78</sup> The people of Aceh province, in particular, has been relatively welcoming to refugees. Although Indonesia is not a signatory to the Refugee Convention, the UNHCR said that a 2016 presidential regulation provides a legal framework governing the treatment of refugees on boats in distress near Indonesia and helps them disembark.<sup>79</sup>

Developing a shared protection agenda for refugees could also involve countries outside ASEAN that have been hosting refugees from Myanmar, particularly the Rohingya. UNHCR Indonesia representative Ann Maymann suggested that as ASEAN chair and as the co-chair of the Bali Process dialogue, Indonesia can convene a regional meeting of countries hosting Rohingya refugees. Other countries with experience in returning and reintegrating displaced populations could also share good practices.

## **5. Strengthen international support for refugees and to host countries**

Humanitarian access in Myanmar has been difficult but this should not stop ASEAN dialogue partners and UN organisations from expanding and enhancing their support to countries already hosting thousands of Myanmar refugees. Newly arriving refugees require urgent lifesaving support and their fundamental human rights must be protected. This calls for a holistic multisectoral approach to refugee emergency preparedness and response where ASEAN, ASEAN dialogue partners and international humanitarian agencies must be well-prepared and ready to extend support to countries such as Indonesia, Malaysia, Thailand and even Bangladesh.<sup>80</sup> For instance, UNESCO and Japan announced in December 2022 an "education in emergencies" project for migrant children fleeing violence along the Thailand–Myanmar border. The programme will run from January to December 2023 and provide digital learning for learning recovery in the post-pandemic era; extend emergency food aid; and equip migrant learning centres (MLCs) with information and communications technology (ICT) infrastructure and sanitation facilities in Thailand. This is also aimed at creating further safeguards for child refugees from Myanmar against sexual abuse, trafficking in persons and exploitation of child labour. The government of Japan pledged USD 2.1 million to this project.<sup>81</sup>

Immediately after the 2021 coup, the South Korean government implemented special humanitarian measures to allow Myanmar nationals residing legally there to extend their stay until the situation stabilises in Myanmar, while Myanmar nationals whose visa had expired would not be subject to enforced departure.<sup>82</sup> In May 2021, South Korea announced USD 4 million humanitarian assistance for the Rohingya and the host community in Cox's Bazar, Bangladesh. Apart from financial assistance, South Korea, through the Korea International Cooperation Agency (KOICA), is collaborating with non-governmental organisations (NGOs) such as Adi, World Vision and Concern Worldwide in Cox's Bazar on various projects supporting the refugees and the host community. Addressing gender-based violence, supporting children and girls, and responding to emergencies and disaster relief are among

the priority areas for KOICA projects in refugee camps.<sup>83</sup> In July 2021, South Korea contributed USD 800,000 to the WFP's food security projects for Rohingya refugees in Rakhine State and Bangladesh.<sup>84</sup> In August 2022, it pledged an additional USD 3.2 million for the Rohingya refugees and host communities, to be coursed through international organisations such as the UNHCR, the International Organization for Migration (IOM), the WFP, UNICEF and the International Federation of Red Cross and Red Crescent Societies (IFRC) operating in Cox's Bazar and Bhasan Char.<sup>85</sup>

Australia too is working with international humanitarian organisations on delivering humanitarian aid to Myanmar refugees. As part of the new Australian government's commitment to supporting the humanitarian response in Myanmar and Bangladesh, Australia will provide AUD 135 million in 2022–2023 to assist with the delivery of lifesaving food, water and shelter through partner organisations.<sup>86</sup> Similarly, in January 2023, the US Agency for International Development (USAID) disclosed that an additional USD 75 million in humanitarian assistance will be released to help vulnerable Rohingya refugees in Cox's Bazar and members of the Bangladeshi host community meet ongoing needs that have been exacerbated by the increasing cost of food and fuel. This follows an earlier pledge announced by USAID in September 2022, offering USD 170 million in additional humanitarian assistance for vulnerable populations in Myanmar and Bangladesh. Just like South Korea, the US is working with the WFP in addressing hunger and food shortage, disaster risk reduction, and critical infrastructure maintenance in Rohingya refugee camps and host communities in Cox's Bazar. This new funding will provide critical and lifesaving assistance to nearly 600,000 people in 33 refugee camps and 130 sites in the local Bangladeshi community.<sup>87</sup>

In February 2023, the EU announced several humanitarian assistance contributions for Myanmar refugees and those affected by the conflicts. The EU has released a total of EUR 43 million to address the humanitarian needs of the people in Myanmar, as well as those of Rohingya refugees and their host communities in Bangladesh. In Myanmar, the EU will provide more than EUR 18 million to its local humanitarian partners to facilitate the delivery of lifesaving support such as protection, food, shelter, healthcare and education. Another EUR 23 million will go to support the efforts of Bangladesh in responding to the Rohingya refugee crisis while EUR 2 million will be provided to help address the needs of Rohingya and other refugees in neighbouring countries such as Indonesia and Malaysia.<sup>88</sup>

With these developments, it would be desirable if ASEAN can play a convening role to coordinate these assistance efforts by its different dialogue partners and examine how these efforts can be made to work within the ASEAN 5PC. This could also be made part of a bigger framework that brings ASEAN together with its dialogue and sectoral partners, international organisations, and most importantly, local groups and partners in Myanmar to support a comprehensive ASEAN-led Plan of Action.

## **6. Build coalitions/partnerships to create pathways for humanitarian corridors**

The collaboration between international humanitarian organisations and foreign governments and aid agencies is very much evident in the abovementioned instances of international support for Myanmar refugees and host communities. This should also be replicated in delivering humanitarian assistance to people inside Myanmar. Regional experts, such as Adelina Kamal, former executive director of the AHA Centre, have recommended a humanitarian coalition comprising ASEAN, the UN, the International Committee of the Red Cross (ICRC) and other partners, to prepare humanitarian corridors.<sup>89</sup> But for the corridors to happen, one senior Thai official emphasised the need for complementary initiatives "from different parties in Myanmar ... to deliver help to people in need".<sup>90</sup> Ahmad Zahid Hamidi, who had in the past served as Malaysia's defence and foreign minister, stressed that the international community should seek to make inroads into the country with efforts centred on food security and humanitarian assistance.<sup>91</sup>

### *Forging local partnerships*

Adelina Kamal also noted that any international humanitarian corridor established would need a locally

led humanitarian platform, which would entail an organised effort from the NUG, all interested EAOs and other resistance movements to support domestic humanitarian assistance providers, many of whom are unregistered in Myanmar as they are part of the broader resistance movement. Existing informal networks of local aid groups have been doing indispensable work along Myanmar's borders and deep inside the country.<sup>92</sup> Local organisations are at the heart of humanitarian assistance in Myanmar, giving real-time aid to affected and vulnerable populations using their local knowledge, skills, networks and comparatively more robust access.<sup>93</sup>

This locally led approach builds on the indigenous capacity of Myanmar's grassroots movements and the local governance structures that support them. Kamal has argued that such a platform could provide a means of registration for these local groups, address concerns about their status and increase donors' confidence in aid accountability. The platform will need to provide operational autonomy to the local humanitarian movements so that they can directly manage aid planning and distribution. This may be more acceptable to donors, as they may fear a diversion of funds to arms procurement.<sup>94</sup> It essentially will mainstream a people-centred approach to complement ASEAN's conventional state-led approach to the Myanmar crisis. A people-centred approach upholds the wishes of the Myanmar people and protects their wellbeing, which should be ASEAN's primary concern, as rightly articulated by Indonesian Foreign Minister Retno Marsudi.<sup>95</sup>

## **7. Leverage on the rich experiences of peace processes in ASEAN**

Former Indonesian Foreign Minister Marty Natalegawa has observed that informal or quiet diplomacy to prevent, manage or resolve disputes within and between ASEAN member states has been an invaluable diplomatic peacebuilding tool. The region's capacity to combine formal peacebuilding initiatives with nuanced, informal efforts has ensured that the path to peaceful political solutions continues to remain open, even in the most difficult and intractable internal conflicts. He cited several peacebuilding processes that can provide takeaways as ASEAN seeks durable approaches to conflict resolution in Myanmar.<sup>96</sup>

The complex peace process in the southern Philippines and negotiations between the government of the Philippines and the Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) benefitted from well-calibrated and nuanced third-party facilitation efforts by neighbouring countries, notably Indonesia and Malaysia. Similarly, successful conflict resolution in Aceh, Indonesia, was made possible by the participation of countries in the region in observing the implementation of the agreement between the Indonesian government and the Acehese secessionist group following intensive informal contact by and requests from the government of Indonesia.<sup>97</sup> Indeed, the wealth of experience that ASEAN has gained from the involvement of some of its members in peace processes in the region can be deployed in the search for durable solutions to political violence and ethnic rebellions in Myanmar.

Third-party facilitation has been a key element in the most recent peacebuilding case in ASEAN, that is, the Mindanao peace process. The Mindanao peace process was further reinforced by a hybrid mediation mechanism, involving regional and extra-regional countries as well as international organisations and peacebuilding NGOs. Such lessons could be considered in bringing in all relevant domestic stakeholders in Myanmar, particularly EAOs, into the peace process and negotiations.

There are various models of multilateral mechanisms for conflict mediation and peacebuilding in Southeast Asia. One is the International Contact Group (ICG), used in the Mindanao peace process. Developed organically over years of protracted negotiation, the ICG is an innovation in mediation support, the first ever formal hybrid mediation support initiative. Established in 2009 by the government of the Philippines and the MILF, the ICG is composed of four states (Japan, Saudi Arabia, Turkey, the United Kingdom) and four international NGOs, namely, Conciliation Resources, Muhammadiyah, The Asia Foundation (TAF) and the Centre for Humanitarian Dialogue (HD).<sup>98</sup>



The ICG functioned both inside and outside formal peace negotiations in various ways. In the Mindanao peace process, if talks became stalled, the ICG would meet with the mediator/facilitator and peace panels of negotiating parties to break the impasse by determining common ground and ways to move forward. Any or both parties could request the ICG to draft documents for the peace talks.

In terms of support outside of formal talks, ICG members provided developmental and humanitarian assistance in conflict-afflicted vulnerable communities, as exemplified by the role of the UK and Japan during the Mindanao peace process. Also, the ICG's civil society members worked with local civil society to promote cross-community dialogue. In Mindanao, they provided technical and financial assistance to grassroots NGOs, and invited external peace practitioners to share good practices from other peace processes with the negotiating parties. Multistakeholder workshops involving the business sector, security sector and civil society (both local and international) were also convened to support the progress of the peace process.

Apart from conflict mediation, another key lesson from the Mindanao peace process is the active involvement of ASEAN member states in ceasefire monitoring and civilian protection. Brunei, Indonesia and Malaysia were members of the International Monitoring Team that was tasked to monitor the implementation of the ceasefire agreement between the MILF and the government of the Philippines as well as the agreement on the civilian protection component that established a mechanism to protect civilians from hostilities between armed parties. These are important aspects that may be considered in protecting any future peace process/es in Myanmar, by ensuring that guns from warring parties are silent and non-combatants are protected from armed hostilities. Clearly, the involvement of ASEAN member states would be critical and impactful.

## **8. Harness the role and mandate of ASEAN institutions**

Through the years, ASEAN has established important institutions that can help the region re-imagine a regional approach to conflict prevention and peacebuilding, including in Myanmar. Absent a regional peacekeeping force like the African Union, ASEAN has the AHA Centre (discussed earlier), ASEAN Institute for Peace and Reconciliation (AIPR), ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, ASEAN Intergovernmental Commission on Human Rights (AICHR) and ASEAN Regional Mine Action Centre (ARMAC), among others. These regional mechanisms and institutions could significantly help facilitate, drive and lead multilateral initiatives aimed at addressing intractable conflicts in the region, but the development of these entities remains underexplored.

A bold idea suggested by former Indonesian Foreign Minister Marty Natalegawa is for AICHR and AIPR to consider taking steps to formally register and record cases of violence that are now happening in Myanmar. It is especially relevant given that there are already several NGOs recording the cases. And it would send a powerful message – that there must be no impunity – if ASEAN were to empower AICHR and AIPR with this special task. AIPR in particular could be given a specific mandate by the ASEAN foreign ministers to help facilitate peaceful negotiations among the parties involved in Myanmar.

ASEAN must leverage its decades-old experience in conflict resolution, including the use of sustained and robust diplomatic efforts, and innovative and principled peacebuilding approaches, to urgently realise the 5PC. As Natalegawa argued, “the full gamut of diplomatic tools – formal and informal, public and low-key – must be deployed”.<sup>99</sup>

## V. Concluding Remarks

With Indonesia holding the chairmanship of ASEAN this year, all eyes will be on Jakarta and how its turn as chair would be significantly different from the previous two chairs. Given its tacit leadership role in ASEAN, expectations are high. Already questions are being raised as to whether Indonesia will be able to rise to the occasion and make its mark in helping resolve the Myanmar crisis. Will it be a more effective chair and an interlocutor for ASEAN similar to its role during the Cambodian crisis in the late 1970s and early 1980s? And will Indonesia be able to muster enough influence to unite the ASEAN-9 in finding an effective and sustainable approach, and break the current impasse? Last but not least, will Indonesia's experiences in peacebuilding in the region help ASEAN find nuanced and creative ways to contribute to Myanmar's conflict resolution?

With its ASEAN chairmanship ending in 2023, there are worries that time may be running out for Indonesia to initiate something impactful for Myanmar. While Indonesia's Foreign Minister Retno Marsudi has emphasised the need for quiet diplomacy in the face of intense pressure to provide more information on its strategy to advance the ASEAN 5PC, there is also the question of whether the ground is ready or conducive enough for any breakthrough to happen. But the longer it takes for any progress, however small, to happen, the greater are the worries and distress of the Myanmar people that the military regime will be "normalised". Against that, some analysts have argued that, despite grabbing political power in 2021, the military has not been successful: the NUG has established a parallel government and the SAC continues to lack recognition and legitimacy. Moreover, there are reports that the military does not have effective control over the majority of the country, and that opposition forces now have more effective control of the country, at least since mid-2022.<sup>100</sup>

Progress may also be affected by competition for the attention of the international community from several geopolitical developments in Asia and beyond, such as the growing rivalry between the US and China, the emergence of minilateral security groupings like the QUAD (Quadilateral Security Dialogue) and AUKUS (a security arrangement between Australia, the United Kingdom and the US) and the prolonged war in Ukraine. Also, many economies are still recovering from the devastating impact of the COVID-19 pandemic even as they grapple with economic headwinds caused by persistently high inflation and rising public debt, and have little appetite for doing more or intervening in the Myanmar crisis.

These factors, and the complex domestic issues underlying the crisis in Myanmar, have tempered expectations of an early resolution to the conflict. But while achieving breakthroughs in intractable conflicts are usually arduous, ASEAN cannot afford to turn its back on the people of Myanmar. In the long journey ahead, how ASEAN can remain resolute is as much a test of political will and perseverance as of leadership and unity. Undeniably, ASEAN will need to galvanise the support of the international community and work closely with the other big actors in the region – China and India – which also have a stake in the resolution of the conflict. ASEAN will also need to closely coordinate efforts with the UN and collaborate with international and local humanitarian organisations in exploring all possible means to help the people of Myanmar.

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