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Can the ASEAN Five-Point Consensus end the crisis in Myanmar?

By Evan A. Laksmana

Southeast Asia sits at the heart of the Indo-Pacific strategic flux—featuring great power politics, maritime disputes, and a whole host of non-traditional security challenges. And yet, there is very little understanding of how Southeast Asian themselves define and debate major questions facing their region. Existing debates tend to be framed narrowly by the US-China strategic competition —or worse, by extra-regional voices telling Southeast Asians what they should care about.

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Counterpoint Southeast Asia is published regularly by the Centre on Asia and Globalisation at the National University of Singapore's Lee Kuan Yew School of Public Policy. It seeks to answer major questions of strategic significance for Southeast Asia by bringing in diverse voices from around the region. Each issue will tackle one question from three different perspectives.

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As part of our efforts at the Centre on Asia and Globalisation (CAG) to focus on strategic policy developments in Southeast Asia, we are proud to welcome you to our new publication and webinar series, **Counterpoint Southeast Asia**. Once every two months, we will invite three Southeast Asian analysts to speak and write about one major question facing the region from three different perspectives.

We are mindful however of the lack of diversity in Southeast Asian strategic policy debates. So, over the series, we will bring in more Southeast Asian analysts, while also giving a spotlight to female and up-and-coming scholars. We believe that they will bring fresh insights and expertise to the key debates surrounding our region.

In that spirit, our inaugural Counterpoint Southeast Asia tackles one of the most difficult questions facing the region today, can the ASEAN Five-Point Consensus end the crisis in Myanmar?

Since the military coup in February 2021, Myanmar continues to be embroiled in violence and instability. Thousands have been arrested, injured, or killed over the past year. Meanwhile, ASEAN has put forward the "ASEAN Five-Point Consensus" (ASEAN 5PC) to help end the crisis following the ASEAN Leaders' Meeting in Jakarta in April 2021. The 5PC calls for:

1. Immediate cessation of violence with all parties enjoined to exercise utmost restraint.
2. Constructive dialogue among all parties concerned to seek a peaceful solution.
3. A special envoy of the ASEAN Chair to facilitate mediation of the dialogue process, with the assistance of the ASEAN Secretary-General of ASEAN.
4. ASEAN to provide humanitarian assistance through the AHA Centre.
5. The Special Envoy and delegation to visit Myanmar to meet with all parties concerned.

No significant progress has been made on these calls except for the appointment of the Special Envoy. There was little to no traction on the other calls under Erywan Yusof, Brunei's Second Foreign Minister and the first Special Envoy last year. Prak Sokhonn, the current Special Envoy and Cambodia's Foreign Minister, visited Myanmar in March 2022, following an initial visit by Prime Minister Hun Sen in January 2022. But no significant progress was made during both visits.

Cambodia and the rest of ASEAN seem prepared to let the Myanmar military decide on how and when they could fully implement the 5PC. Rather than providing better mechanisms to implement the 5PC as a whole, ASEAN seems prepared to wait until there is "progress" inside Myanmar—even though there is no clear sign that the military or pro-democracy resistance will claim absolute victory soon.

So, can the ASEAN 5PC end the crisis in Myanmar? We invite three Southeast Asian analysts to answer this question from different perspectives.

Elina Noor of the Asia Society Policy Institute in Washington, DC, argues that the ASEAN Five-Point Consensus is not Myanmar's silver bullet, but its objectives should be supported rather than obstructed in the absence of other good options. It is, after all, the "only structured and collective diplomatic framework" to defuse the aftermath of the coup.

But **Jeremie Credo** of the Philippines' Foreign Service Institute views the ASEAN 5PC as "an ideal solution on paper". She also makes the case that ASEAN has thus far only been using its persuasion tools and will now need to consider using the stick if the situation does not improve.

Lina Alexandra of the Centre for Strategic and International Studies in Jakarta takes the argument further. She claims that the 5PC could only address the crisis after "extensive repair". She creatively argues for changing the implied "sequence" of how the 5PC could be implemented, and calls for the strengthening of the Special Envoy's role and mandate.

Our three authors do not take the 5PC's implementation and success at face value. They evaluate the promises and perils of the current institutional and diplomatic set-up surrounding the 5PC. While each has different lines of argument, they collectively call for new ideas and better mechanisms for ASEAN to push the process forward, rather than surrendering the initiative to the junta.

They made their case during a public webinar last month (the video can be viewed **here**). The essays you are about to read draw on the feedback and debate generated by the webinar. We hope that students, analysts, and policymakers find the webinar and the essays insightful and useful in thinking more clearly about major strategic questions facing Southeast Asia.

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Guest Column

The only structured and collective diplomatic framework

By Elina Noor



The ASEAN Five-Point Consensus is not Myanmar's silver bullet, but its objectives should be supported rather than obstructed in the absence of other good options.

This essay takes the position that in the face of intractability and the absence of good alternatives, the ASEAN Five-Point Consensus (5PC) represents the only structured and collective diplomatic framework to defuse the aftermath of the coup. The 5PC can *begin to end* the crisis and pave the way for a more durable solution within Myanmar if it is *fully* observed.

But for the majority on the ground in Myanmar—whose lives and futures continue to be threatened—ASEAN has been a dismal failure. Despite the 5PC's call for an "immediate cessation of violence" and the exercise of "utmost restraint", the UN has **documented** at least 1,500 protest-related deaths. Thousands more are estimated to have been killed due to the ongoing conflict. The **junta's ceasefire** against the country's ethnic armed organisations (EAOs) was not declared until the end of September 2021.

There has also been no "constructive dialogue among *all* parties concerned". And while there have been two ASEAN Chair Special Envoys, there has yet to be mediation through a dialogue process with *all* parties concerned. The mandate of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) sits awkwardly with the 5PC's fourth call, the provision of humanitarian assistance. Finally, no meeting with "all parties concerned" has in fact taken place with the Special Envoy and his/her delegation in Myanmar.

The lack of progress in implementing the 5PC has not been for want of trying. The 5PC was released a little more than two months after the Tatmadaw launched its coup. ASEAN certainly could have responded sooner. But ASEAN is a group of 10 member-states with very different strategic calculations and collectively negotiating with an unrelenting regime in *de facto* power is never easy.

The Tatmadaw also slow-rolled the appointment of the Special Envoy for several months. It **refused access** to Aung San Suu Kyi and other opposition members when requested by the then first Special Envoy and Brunei's Second Foreign Minister Erywan Yusof. Moreover, the junta has shown no interest in ceasing its threats and use of violence, regardless of external pressures, from political cajoling and summitry snubbing to foreign investor withdrawal and economic sanctions.

Cambodia, the current ASEAN Chair, decided early on to take **"different approaches"**. About a week after assuming the chairmanship and amid disquiet by other ASEAN leaders, Prime Minister Hun Sen became the **first foreign leader** to meet with Senior General Min Aung Hlaing in Myanmar. The results of this "softer touch" have been mixed so far, **criticised** by some and **praised** by others.

There is room for cautious optimism, however. The Tatmadaw's National Ceasefire Agreement (NCA) with EAOs has been **extended** until the end of this year, potentially creating space for a "constructive dialogue". And while the junta has proposed its own five-point roadmap incorporating the NCA, the NCA makes references to "relevant parties", rather than the 5PC's wider prescription of, "all parties concerned". To avoid relitigating whether the NCA or roadmap is part of the 5PC, they could be implemented in parallel to ensure the most expansive protection of all in Myanmar.

Meanwhile, ASEAN has delivered over a million dollars' worth of medical supplies and equipment in September 2021 through the Myanmar Red Cross Society. This could qualify as "partial implementation" of the 5PC's fourth call. But more needs to be done to distribute stockpiled aid against the realities of fighting.

To advance dialogue and mediation, Cambodia's Special Envoy and Foreign Minister Prak Sokhonn visited Myanmar last month to assess the possibility of meeting Aung San Suu Kyi as well as securing the release of other political prisoners. The visit yielded little by way of results, which Prak Sokhonn himself had anticipated and was **well aware** of. But the flipside of that—not even trying—would have also raised heavy criticisms.

Nonetheless, despite the ceasefire, attacks have **continued**, as has the Tatmadaw's **brutality towards protesters**. Between the Tatmadaw, EAOs, the National Unity Government's **People's Defence Forces**, and other pro- or anti-Tatmadaw militia groups, the conflict landscape in Myanmar remains a complex, multi-player one.

This is perhaps why the 5PC was not explicitly directed at just the military; its first call for the cessation of violence applies to "all parties". One can question this phrase

given that no other parties other than the junta were part of the ASEAN Leaders' Meeting that produced the 5PC. That said, ASEAN could still initiate constructive dialogue between the junta and other stakeholders ready to talk. These discussions could take place outside of Myanmar and in Track Two (non-government) settings.

Yet, it is not just the Tatmadaw that has been unyielding. For different reasons, civil society groups have also been adamant in their **demands**, chief of which is the military's exclusion from Myanmar's political future. ASEAN could consider talking to different sides separately to establish minimum negotiating positions.

The 5PC's drafters were smart to exclude a timeline. While not ideal for the deteriorating situation, this omission was a sober recognition that negotiations were never expected to be easy. Imposing a deadline on the 5PC would only consign the process to failure.

After all, the multifaceted relations among Myanmar's many stakeholders, the country's historically troubled civil-military relations, and ASEAN's structural constraints meant that any advances would be modest. Yet, despite widespread criticism of ASEAN's effectiveness, external parties still **nominally support** the group's leadership in managing the crisis. This is also an acknowledgment that no other party can do much better.

To give the 5PC a better chance, ASEAN could consider inviting other willing partners inside and outside of Myanmar for baseline consultations, humanitarian aid distribution, and to ensure greater stakeholder investment. These could include local and international civil society organizations. There could also be more and better coordination and cooperation with the United Nations and ASEAN Dialogue Partners through shuttle diplomacy, for example. The process of setting up the 5PC for success rather than failure starts with constructive support, not unjustified denigration, from within ASEAN.

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Guest Column

An ideal solution on paper

By Jeremie P. Credo



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ASEAN has only been using its persuasion tools and will need to consider using the stick if the situation does not improve.

More than a year has passed since the military took over in Myanmar in February 2021. Nothing much has changed since then, as political turmoil continues. Albeit a promising initial start to end the crisis, the ASEAN Five-Point Consensus (5PC) remains an ideal solution on paper but lacks application and execution.

It is ideal because the 5PC provides ASEAN with flexibility and a workable framework to end the violence and facilitate dialogue in Myanmar. But the junta has stalled ASEAN's efforts by rejecting the appeals to implement the 5PC. While this shows a dim prognosis towards progress, Myanmar is not a lost cause, as continued engagement with the junta may bring, although slowly, change and keep the junta in check.

An immediate action ASEAN can take to implement the 5PC is the creation of a roadmap or a set of strategies that will provide more clarity and help translate the document into concrete actions, hence more teeth. For instance, it must define what "cessation of violence" entails. Does it exclusively refer to ending military crackdowns on protestors? Will it also include the violence involving the struggles between the military and ethnic armed organizations (EAOs)? Or can it be interpreted as violence by protesters, thereby justifying the junta to use harsh measures to restore 'peace'?

It must also adopt an inclusive approach where ASEAN keeps the communication door open for the junta as well as all other stakeholders. In facilitating dialogues involving the National Unity Government (NUG), for example, it is imperative that ASEAN must not be dependent on the junta's approval. After all, such an action does not violate any rules and adheres to the 5PC.

It also enforces ASEAN's authority and prerogative. By engaging the NUG, it signals that ASEAN wants to bring democracy back to Myanmar and, to some extent, challenges

the legitimacy of the junta. Apart from the NUG, ASEAN may also pursue efforts to meet with Myanmar's civil society organizations, grassroots representatives, and youth groups; ASEAN envoy and high-level meetings alone may be limited.

A sustainable and long-lasting solution to the crisis also requires ASEAN to have a united stance that goes beyond statements and declarations. The varying degrees of political interests among ASEAN members helps explain the lack of unity and urgency to act. The longer ASEAN settles for a "wait and see" attitude, the more likely it risks losing its credibility to uphold a people-oriented and people-centred ASEAN Community.

The leadership of Cambodia as ASEAN Chair is crucial in this regard. Cambodia must make a coordinated strategy and convey a clear and firm message to the junta that its continued refusal to implement the 5PC will not go unchecked. The Chair's actions must also be transparent and must not leave any space for misinterpretation by fellow members, the junta, and the international community.

Moving forward, ASEAN needs to sustain its invitation of "non-political representatives" in ASEAN Summits should there be no progress in the 5PC. ASEAN might also want to consider other, stronger "disengagement" measures that could further affect Myanmar's membership in ASEAN (e.g., suspension). These are essentially "sticks" (coercive) options ASEAN need to consider if its ongoing "carrots" (persuasive) tools are not working.

But ASEAN could also consider other "creative" means in its engagement. It could, for example, initiate formal or informal dialogue with Myanmar's civilian groups within or outside existing ASEAN mechanisms. ASEAN may also coordinate with the United Nations to make a firm decision on the junta's representation status with the world body.

More broadly, but equally important, ASEAN's engagement tools should change as well. First, the mandate and authority of the ASEAN Chair's Special Envoy should be clarified and empowered further. To have continuity in his/her plans, for example, the Special Envoy's term must not be co-terminus with that of the rotational ASEAN Chairmanship.

Second, the review of the ASEAN Charter must be prioritized to strengthen ways to provide solutions to regional issues. We could explore, for example, the feasibility of utilizing the 'ASEAN minus X' principle beyond economic issues. We should also seek to empower the ASEAN Secretary General to play a more meaningful role in crisis management.

Another point to consider is the role of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre). Thus far, it has not been able to perform its duty under 5PC effectively as it does not have the mandate

nor capacity to deal with a complex situation like in Myanmar. Questions have been raised regarding the junta's role as part of the AHA Centre's governing board in the direction and control of such aid. ASEAN might want to consider providing inclusive assistance to the people of Myanmar by partnering with local community-based organizations.

In any case, there is no perfect playbook to address the situation in Myanmar. The junta is likely to continue refusing to implement the 5PC by working around it in such a manner that serves its interests. It may further violate human rights and resolutely refuse to allow the Special Envoy to meet with Aung San Suu Kyi and its NLD members.

However, ASEAN should not stay silent. Its response can no longer be limited to the provision of humanitarian aid. The organization's inability to make concrete progress not only shows its weakness in helping members faced with domestic turmoil, but it also risks confirming criticisms that ASEAN tends to leave human rights off its agenda.

The road to change in Myanmar will not be a walk in the park. Any successful solution must be owned and accepted by the people of Myanmar. Nevertheless, the concerted process by all parties will require strengthening the 5PC's implementing institutions and other necessary mechanisms.

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Guest Column

Only after extensive repair

By Lina Alexandra



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ASEAN's Five-Point Consensus could help end the crisis but only after extensive repair over the sequence and method of its implementation.

There has been no significant progress on the implementation of ASEAN's Five-Points Consensus (5PC) after almost a year. I argue that the 5PC can still end the crisis but only after an extensive repair. First, we need to rethink the 5PC's implementing sequence. Second, we need to strengthen the role of the ASEAN Chair's Special Envoy. These steps are necessary to transform the 5PC from mere hope to a more realistic strategy.

The 5PC itself does not suggest any order in its implementation. But it implies that the process will start with the cessation of violence, followed by the delivery of humanitarian assistance, and then the facilitation of dialogue. After all, without the cessation of violence, it will be unsafe to deliver humanitarian assistance. Without some sort of humanitarian pause and aid delivery, dialogue is also assumed to be out of reach.

But at this stage of the conflict, insisting on a cessation of violence as the first step seems to be wishful thinking. All the conflicting parties have not indicated any sign of retreat. ASEAN, meanwhile, does not have any capacity to "enforce" peace in this regard. The decision to invite Myanmar's "non-political" representative to attend the ASEAN Summit last year has yet to be proven effective.

The key is to consider that the 5PC's implementing sequence was never set in stone. We could consider at least five possible sequences with different promises and pitfalls.

1. Cessation of violence ➡ Dialogue ➡ Humanitarian assistance
2. Humanitarian assistance ➡ Cessation of violence ➡ Dialogue
3. Humanitarian assistance ➡ Dialogue ➡ Cessation of violence
4. Dialogue ➡ Cessation of violence ➡ Humanitarian assistance
5. Dialogue ➡ Humanitarian assistance ➡ Cessation of violence

Option 1, where cessation of violence should happen first, requires ASEAN to have some sort of enforcement tool to "make" the parties stop their hostilities and start talking to each other. Since ASEAN does not have such an instrument, this option is unlikely to happen naturally or be voluntarily taken by the conflicting parties.

Option 2 assumes that humanitarian assistance might induce the parties to cease their violence. This requires access and extensive preparation to ensure the safe and inclusive delivery of aid. ASEAN does not have that access or capacity; the AHA Centre has not been given an expanded mandate to operate in this type of crisis. Without the mandate, access, and capacity, the aid mission is likely to fail and might even jeopardise the safety of humanitarian workers.

Option 3 where ASEAN can start providing assistance to persuade the conflicting parties to have a dialogue might be workable. But the Special Envoy must clearly state that he intends to work with all parties. The challenge is crafting a balanced framework backed by ASEAN leaders and strongly presented by the Special Envoy.

Options 4 and 5 which start with dialogue seem ambitious if not herculean as they begin with the most contentious point of the 5PC. But since there are no strict rules on what the dialogue agenda should be, it could focus on cessation of violence or aid delivery, rather than some grand political settlement for Myanmar's future. These options, in other words, require a reset on the dialogue agenda.

It was unclear whether the visit by Prak Sokhonn, Cambodia's Special Envoy and Foreign Minister, last month to Myanmar allowed him to craft a viable framework for all the parties to engage in some sort of dialogue process. Myanmar's violent polarisation over the past year means that "talking to the other side" could be seen as an act of betrayal. We should consider helping the Special Envoy in this regard by getting influential actors with strong interest and leverage inside Myanmar such as Thailand, Japan, and China to talk with the junta, while others like Indonesia, Malaysia, and Singapore can engage with the pro-democracy groups.

As all parties in Myanmar are in dire conditions, the delivery of humanitarian assistance could be the primary talking points for the dialogue. Stopping the violence might be seen as creating a necessary "humanitarian pause" to allow for a dialogue over aid to take place. ASEAN could then create the specific terms of reference (TOR) for a humanitarian corridor based on the preliminary negotiations facilitated by different actors. This can be the first building block before ASEAN creates a broader mission mandate—after gaining the trust of all parties—to facilitate broader political dialogues.

These options notwithstanding, the role of the Special Envoy remains the lynchpin for the 5PC's implementation. But we still do not have a clear TOR for the Special Envoy—

making his mandate, resources, and strategy unclear. The 5PC's designation of the Special Envoy to "facilitate mediation" requires a larger mandate to execute a range of tasks, from monitoring the cessation of violence, to the delivery of humanitarian assistance and developing a dialogue framework.

Over the past year, we have learned that the Special Envoy cannot undertake such a huge task alone. While establishing an "ASEAN Mission on Myanmar" similar to the post-Cyclone Nargis situation seems far-fetched, the proposal to create an "ASEAN Troika" (comprising of the previous, current, and next Chair) to monitor the 5PC's implementation is worth considering. The Troika members—Brunei, Cambodia, Indonesia—can be assigned as "deputies" supporting the Special Envoy, for example.

ASEAN should pursue this idea, regardless of Tatmadaw resistance, and initiate a trilateral communication to create the wider TOR for the Troika-backed Special Envoy. The complexities of the crisis will require the Special Envoy's tenure to not correspond to the rotating ASEAN Chair's annual term to ensure sustainability, consistency, and coherence.

To conclude, the 5PC could be implemented. However, ASEAN must develop a better strategy to do so. Rearranging the steps in the 5PC while boosting the mandate and capacity of the Special Envoy would be crucial in any steps moving forward.

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