

# 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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