Source: *The Straits Times,* pB2
Date: 7 July 2023

Why Asean should not falter in face of Myanmar junta's intransigence

As Asean foreign ministers meet next week, pressure is growing to abandon the 5-point consensus agreed on after the military coup.

Tommy Koh

Asean foreign ministers will be meeting in Jakarta beginning on Monday. This will be followed by the Asean Leaders' summit in September. The crisis in Myanmar looms large on the agenda of both meetings.

Myanmar has been plunged into turmoil ever since the military, under Senior General Min Aung Hlaing, seized power on Feb 1, 2021, and imprisoned Aung San Suu Kyi and leading members of her National League for Democracy (NLD) party that won the general elections in 2020.

Thousands of people have been killed since then as the military sought to crush opposition to its rule.

THE 5-POINT CONSENSUS

On April 24, 2021, Asean convened a special leaders' meeting in Jakarta to seek a solution to the situation in Myanmar, at the end of which, a five-point consensus was adopted. It called for:

- an immediate end to violence in the country;
- dialogue among all parties;
- the appointment of a special envoy;
- humanitarian assistance by Asean;
- the Asean special envoy to visit Myanmar to meet with all parties.

Gen Min Aung Hlaing, who was at the meeting, did not object to the adoption of the five-point consensus. However, upon his return to his country, he said that he would consider the "suggestions made by Asean" when the situation returns to stability.

What has followed since then was more violence and bloodshed. According to the United Nations High Commissioner for Human Rights, between February 2021 and April 2023, at least 3,452 people have been killed by the military and its affiliates, 21,807 individuals have been arrested and more than 1.5 million displaced.

In recent months, the military has been using air power to bomb opposition-controlled villages. These air strikes have killed many civilians, including children.

STONEWALLING BY THE MILITARY JUNTA

The second point of the consensus calls for a dialogue among all parties. But the military junta has refused to talk to the NLD leaders, who are in jail and held incommunicado. No one is allowed to see them. Instead, the military has put the NLD leader, Ms Suu Kyi, on trial for many alleged crimes. The objective seems to be to put her behind bars for the rest of her life. Dialogue between the junta and the country's ethnic groups, which is essential to national peace and stability, has not started due to the civil war.

People from Myanmar at a rally outside the United Nations building in Bangkok on Sunday. The thousands killed by the Myanmar military would have died in vain if Asean was to recognise the junta, says the writer. PHOTO: EPA-EFE

As to the Asean special envoy, practically no progress has been made on this front either. The first special envoy was Dato Erywan Yusof, the Second Foreign Minister of Brunei. He cancelled a proposed visit to Myanmar when the junta informed him that he would not be allowed to meet opposition leaders, including Ms Suu Kyi.

The second special envoy was Mr Prak Sokhonn, Cambodia's Deputy Prime Minister and Foreign Minister. Both the Cambodian Prime Minister Hun Sen and Mr Sokhonn met Gen Min Aung Hlaing but were not allowed to engage with the opposition.

The third special envoy is the Foreign Minister of Indonesia Retno Marsudi, who set up an office of the Asean Special Envoy, which she heads. Her office says it has conducted more than 75 engagements with various parties, including the junta, the shadow civilian National Unity Government and others. Ms Retno has not visited Myanmar.

To sum up, the three Asean special envoys have not been able to carry out their mission because of the junta's intransigence.

HUMANITARIAN ASSISTANCE BY ASEAN

To date, Asean has only been partially successful in the delivery of humanitarian assistance to the people in Myanmar.

A convoy of officers from the Asean Coordinating Centre for Humanitarian Assistance in Disaster Management, including staff from the Singapore embassy and Indonesian diplomats, was attacked in Shan state on May 7 by unknown assailants.

The junta has obstructed attempts to deliver such aid to people living in areas outside their control. I recall that, post-Cyclone Nargis, in 2008, humanitarian assistance to Myanmar was delivered under a tripartite arrangement consisting of Myanmar, Asean and the United Nations.

I urge Asean to consider proposing a similar arrangement or convening an inclusive humanitarian forum to break the current impasse.

ASEAN WAVERING ON ITS CONSENSUS

The five-point consensus has not been implemented. The fault lies with the junta, which continues to use violence against anyone who opposes its rule. The junta intends to stay in power at any cost. It refuses to talk to the NLD and to return to the negotiating table.

The junta hopes that, with the passage of time, the people of Myanmar and the governments of Asean will accept the fait accompli. It intends to conduct a so-called election to give itself legitimacy.

Asean's will to maintain its five-point consensus is weakening. Some Asean members favour recognising the junta and abandoning the consensus.

First, they argue that it is futile to oppose the junta any longer because it is in control of the towns and most of the territory of Myanmar.

Second, they argue that the junta enjoys the support of China, India and Russia and cannot be persuaded to give up its power.

Third, they argue that Asean did not oppose the coup in Thailand in 2014 and should therefore not have opposed the coup in Myanmar.

Fourth, they argue that it is not in the interest of Asean or the people of Myanmar for Asean to continue to boycott the junta.

REASONS FOR NOT RECOGNISING THE JUNTA

There are several counter-arguments in favour of maintaining the five-point consensus and not recognising the junta.

First, the Asean Charter, which came into force in 2008, is against coups or unconstitutional changes of government.

Second, the failure by Asean to condemn the coup in Thailand in 2014 was because it had the consent of the Thai King. Even so, Asean should have condemned the coup.

Third, not only has the junta seized power illegally, but it has also been totally ruthless in killing or detaining anyone who dared to oppose its rule. The thousands of people killed by the Myanmar military would have died in vain if we are to recognise the junta.

Fourth, the reputation of Asean would be damaged if it were to do a U-turn and recognise the junta, without obtaining any concessions by it.

What Asean must do is to call on the junta to release the NLD leaders from imprisonment. Ms Suu Kyi, 78, is in poor health. She should be released from solitary confinement and be allowed to return to her home in Yangon.

Asean should also call on the junta to return to the negotiating table and discuss the future of Myanmar with the NLD and other relevant parties.

STAYING THE COURSE

In the coming days and months, the foreign ministers and leaders of Asean will have to review its existing policy on Myanmar and decide whether to change or maintain its present course.

I hope that they will make the right decision, for Asean and for the people of Myanmar.

• Tommy Koh was the chairman of the High-Level Task Force which drafted the Asean Charter in 2007. He is also the co-editor of four books on Asean.

Source: The Straits Times © SPH Media Limited. Permission required for reproduction.