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ASEAN Five-Point Consensus on Myanmar

By R. M. Michael Tene

SYNOPSIS

No significant progress has been made so far to end violence and bring the conflicting parties in Myanmar to a meaningful and sustained dialogue process towards a peaceful resolution. Despite the lack of progress, the ASEAN Five-Point Consensus on Myanmar remains relevant as the main reference to address the political crisis in Myanmar. However, the implementation of the terms of this Consensus needs to be revisited, particularly with regard to the arrangement of the Special Envoy and the mediation strategy to end the conflict.

COMMENTARY

On 24 April 2021, an ASEAN Leaders' Meeting (ALM) was held at the ASEAN Secretariat in Jakarta to, among others, discuss the development in Myanmar following the military coup d'état in Myanmar on 1 February 2021. As an outcome of the ALM, a Five-Point Consensus (5PC) was issued by ASEAN Leaders on the situation in Myanmar. To recall, the gist of the 5PC consists of (i) immediate cessation of violence, (ii) constructive dialogue to seek a peaceful solution, (iii) a Special Envoy of ASEAN will facilitate mediation of the dialogue process, (iv) ASEAN shall provide humanitarian assistance, and (v) the Special Envoy shall visit Myanmar to meet with all parties concerned.

More than three years have passed since the issuance of the 5PC, and no meaningful progress has been achieved to realise a peaceful solution to the conflict in Myanmar. Consequently, the 5PC have been deemed a failure and some observers have urged ASEAN to ditch the 5PC and to come up with a new and more effective approach to address the situation in Myanmar.

This author disagrees with the above view as the 5PC contains the basic elements of a peaceful resolution to a conflict, such as cessation of violence, peaceful dialogue

and mediation. Any solution to the conflict in Myanmar must therefore contain the elements of the 5PC.

However, it is also obvious that so far, ASEAN has not made any notable progress to end violence in Myanmar and to bring the conflicting parties to negotiate a peaceful solution. There are several reasons for this lack of progress.

First, "...the lack of substantial progress on the implementation by the authority in Myanmar, despite their commitment to the 5PC in April 2021", as expressed in the ASEAN Leaders' Review and Decision on the Implementation of the Five Point Consensus, adopted on 5 September 2023 in Jakarta.

Second, the 5PC gave a prominent role to the Special Envoy to mediate the peace process in Myanmar. However, the current arrangement for the Special Envoy is far from ideal. The Special Envoy is held by the country that Chair ASEAN and a new Special Envoy will be appointed when another Member State assumes the Chairmanship of ASEAN. In other words, the assignment of the Special Envoy is based on a one-year rotating term of office. For the Special Envoy to be able to mediate and facilitate dialogue effectively, it is important to have enough time to cultivate and gain the trust and confidence of the conflicting parties in Myanmar.

Given the complexity of the situation in Myanmar, it is also unreasonable to expect that the mediation process, dialogue and peaceful solution can be carried out and realised in one calendar year. For these reasons, the one-year rotating term makes the work of the Special Envoy ineffective. Another complicating matter is about the status of the Special Envoy. Under Brunei Darussalam, Cambodia and Indonesia Chairmanships, the Special Envoys were the Foreign Ministers of the ASEAN Chair countries.

However, until now, some ASEAN Member States did not recognise the military government in Myanmar. The Head of Government and the Foreign Minister of Myanmar are excluded from the ASEAN Summit and the ASEAN Foreign Ministers Meeting. Some ASEAN Member States are also adamant not to directly or indirectly legitimise the current regime in Myanmar. As such, visits by a Special Envoy who is the Chair of the ASEAN Foreign Ministers Meeting to Naypidaw can be awkward for some ASEAN Member States. Given such a situation, for the Special Envoy of ASEAN to be effective in discharging its mandate, ASEAN may wish to consider appointing a Special Envoy with someone of a prominent stature but not a currently serving Foreign Minister, and for a longer duration of its term, such as for three years.

Third, one of the main obstacles to peaceful negotiation and ending violence is the deep distrust and contempt between the conflicting parties in Myanmar. Under such a situation, it is unreasonable to expect that the relevant parties can easily agree to an armistice and to begin serious negotiation without first developing some degree of trust. A series of "small steps" based on the principle of "quid pro quo" may be considered as the strategy to begin developing gradual trust among the parties. The Special Envoy may help identify those small steps and persuade the conflicting parties to agree for one party to "match" the actions/steps taken by the other party towards de-escalation of violence, delivery of humanitarian assistance, and other positive steps towards negotiation for a peaceful solution to the conflict in Myanmar.

In conclusion, the 5PC remains relevant as it contains the most crucial and fundamental elements for any peace process. However, ASEAN may wish to revisit the way the 5PC is being implemented, including the arrangement of the Special Envoy and the overall mediation strategy towards the conflicting parties in Myanmar.

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