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# Myanmar Coup as ASEAN Crisis: The Limits of ASEAN's Hold on Myanmar

Luis Gabriel Alfonso Estrada

On February 1, 2021, the Tatmadaw, Myanmar's military, arrested members of the country's ruling National League for Democracy (NLD) party, as well as other democratically elected officials. By the next day, the Tatmadaw announced the creation of the State Administrative Council, taking over all functions of government, and named Senior General Min Aung Hlaing as Chairman. Months later, and after the shuttle diplomacy efforts of Indonesian Foreign Minister Retno Marsudi, the ASEAN Secretariat hosted an emergency summit with leaders and representatives of ASEAN member states and General Hlaing to address the situation in Myanmar. The summit resulted in the Five-Point Consensus, which is still awaiting implementation.

Asia Pacific Pathways to Progress Foundation, Inc., with the support of the Philippine Office of Konrad Adenauer Stiftung, organized a Track Two Observer Discussion Forum on ASEAN and the Myanmar Coup to discuss developments and progress on the Five-Point Consensus since the ASEAN Special Summit, the evolution of the situation in Myanmar, and the challenges in implementing the Five-Point Consensus and other means of affecting meaningful change in Myanmar after the coup. This policy brief follows from those discussions and will focus on the challenges facing ASEAN in dealing with the Myanmar Coup, and what these challenges mean for ASEAN and crises it may face in the future.

## Introduction

### February Coup

Specters of a possible coup became palpable at the start of 2021 after a months long campaign by the Union Solidarity and Development Party (USDP) to reject the results of Myanmar's November 2020 General Elections.<sup>1</sup> The USDP, the Tatmadaw-backed main opposition party, alleged irregularities in the election and called on the Union Election Commission to hold another election after the ruling NLD party won a larger number of seats in parliament than in 2015, when the NLD first became the ruling party. In late January, the UEC officially rejected claims of irregularity from the USDP and the Tatmadaw, merely days before the newly elected parliament is set to have its first sitting and as threats from the military hit a crescendo.<sup>2</sup>

On February 1, 2021, the Tatmadaw declared a State of Emergency and arrested leaders and members of the NLD as well as other democratically elected officials, including former State Counsellor Aung San Suu Kyi.<sup>3</sup> The next day, the creation of the State Administrative Council (SAC) was announced, which will be taking over all functions of government. Senior General Min Aung Hlaing, the Commander-in-Chief of Defense Services, was named Chairman of the SAC.<sup>4</sup>

The coup resulted in large protests against the military in Yangon and in other towns and population centers in Myanmar. This was supplemented by a widespread civil disobedience campaign to paralyze a large part of the government.<sup>5</sup> Though initially tolerated by the Tatmadaw, the military eventually resorted to force, and engaged in violent crackdowns against protesters, going as far as using live ammunitions.<sup>6</sup> The military's use of force against peaceful protesters, which resulted in deaths, drew further condemnation from the international community.<sup>7</sup>

## ASEAN Special Summit

With Myanmar descending further into crisis, its Southeast Asian neighbors needed to respond. By mid-February, Indonesian Foreign Minister Retno Marsudi began employing Indonesia's shuttle diplomacy to create regional consensus on the crisis in Myanmar and to move ASEAN towards addressing the ongoing situation, starting with meetings in Brunei, the current ASEAN Chair, before moving to Singapore.<sup>8</sup> A planned visit to Naypyitaw was cancelled after protests, but a trilateral meeting between Marsudi, the Thai Foreign Minister, and the Myanmar junta's Foreign Minister was held in Bangkok. In the meeting, Marsudi emphasized the need to avoid bloodshed and the importance of an inclusive democratic transition process.<sup>10</sup>

A month after the coup, ASEAN foreign ministers held a virtual informal meeting with the junta's representative, though this only resulted in a weak Chairman's statement.<sup>11</sup> With little progress and the junta continuing to use violence in suppressing protestors, Indonesian President Joko Widodo and Malaysian Prime Minister Muhyiddin Yassin called for ASEAN to convene a special summit to discuss the situation in Myanmar and called out the junta's use of force against unarmed protestors.<sup>12</sup> Singaporean Foreign Minister Vivian Balakrishnan later expressed his support for a special summit.<sup>13</sup> After much pressure and lobbying within ASEAN, Malaysia and Brunei announced that a special summit will be held on April 24 and hosted at the ASEAN Secretariat in Jakarta.<sup>14</sup>

After the meeting, the Chairman released the Five-Point Consensus that was reached by the attending leaders and representatives:<sup>15</sup>

1. First, there shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.
2. Second, constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.
3. Third, a special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN.

4. Fourth, ASEAN shall provide humanitarian assistance through the AHA Centre.
5. Fifth, the special envoy and delegation shall visit Myanmar to meet with all parties concerned.

## **ASEAN's Conundrum in Myanmar**

Many issues have been pointed out on ASEAN's approach to the coup in the lead-up to the Special Summit, and even more issues arose right after the summit ended. The SAC's press release right after the summit noted that it will give careful consideration to the suggestions "when the situation returns to stability,"<sup>16</sup> putting into question the commitment of the junta to the outcome of the meeting and controlling when any of the measures agreed upon in the summit will be initiated.

### **Conflict in ASEAN Principles**

The initial responses of Myanmar's Southeast Asian neighbors brought back to the fore underlying tensions and conflicts in ASEAN's cherished principles, which persisted through the meetings and the Special Summit and continues to affect ASEAN's response to the crisis. Thailand, Vietnam, and Cambodia's initial responses emphasized the domestic nature of Myanmar's coup, recalling ASEAN's principle of non-interference in internal affairs.<sup>17</sup> Indonesia, Malaysia, and Singapore criticized the junta's violent crackdown on the protesters, with Indonesia also calling for a peaceful transition to restore democracy.<sup>18</sup>

The 2017 ASEAN Charter enshrines both non-interference in domestic affairs and adherence to the rule of law, democracy, and constitutional government.<sup>19</sup> However, ASEAN and its member states have tended towards giving primacy to the principle of non-interference in instances of conflict. Indeed, the junta in Naypyitaw can easily expect ASEAN's non-interference principle to dominate regional discussions on responding to its situation based on how ASEAN has responded to similar crises in the past, if at least for a good early part of it.

Illustrative of this potential trajectory for Myanmar is ASEAN's muted response to Thailand's 2014 coup.<sup>20</sup> Though there are many differences between Thailand in 2014 and Myanmar in 2021, the Thai junta's ability to insist on non-interference from ASEAN in the 2014 Coup shows that ASEAN can be made to back off from taking any meaningful action with enough pressure.<sup>21</sup>

### **ASEAN's Minimal Leverage**

The ease with which ASEAN can be made to back off from interfering comes from the fact that ASEAN itself as an institution does not have much leverage against any of its member states that would force them to comply, nor was ASEAN created and intended to have such powers.<sup>22</sup> This remains in keeping with ASEAN's principle of non-interference in domestic affairs.

Indeed, the junta was able to easily take control of the process right after the ASEAN Special Summit with its announcement that it will take consideration of the Five-Point Consensus once the situation in Myanmar becomes stable, effectively making the timeline of implementation of most of the consensus points under its whim. ASEAN has neither contradicted these statements nor had made moves indicating the immediate implementation of the consensus points it has control of.

Supposing that ASEAN as an institution did have some level of leverage over Myanmar to compel it towards action, it might be against ASEAN to use excessive pressure on the junta to comply with the agreements from the Special Summit as this could cause the junta to disengage with ASEAN completely. This would not only hurt ASEAN's claims of centrality but shut it out from having any influence in Myanmar.

### **Shortcomings of the Special Summit and the Five-Point Consensus**

Early on, the ASEAN Special Summit was criticized for having only the military junta represented in the meeting, with no representatives or



separate meetings with representatives of the Committee Representing the Pyidaungsu Hluttaw (CRPH), composed of NLD legislators-elect, or the government-in-exile National Unity Government (NUG). This has led to the impression that ASEAN has implicitly legitimized the Myanmar junta. The opposition's demands that political prisoners be released, while "heard" by ASEAN, was not made a condition. Though likely omitted due to the junta's rejection, this will hinder any progress towards a peaceful solution through dialogue between the junta and the opposition, as called for by the Five-Point Consensus.

The junta was able to effectively control when the Five-Point Consensus will be implemented in an announcement right after the Special Summit. ASEAN's failure to agree on a timeline for implementation during the summit itself provided this opening for the junta to prolong its control and its use of force and violent suppression to maintain it. It also allows the junta to simultaneously claim cooperation with international and regional efforts to address the situation and hold it at arm's length.

The other ASEAN member states do not seem to be on the same page about the urgency of response required by the crisis in Myanmar. Brunei, the current ASEAN Chair, is crucial in making sure that ASEAN processes for responding to the Myanmar Coup proceed as intended and in maintaining momentum for these processes until the next Chair takes over. It was clear from the beginning, however, that Brunei was not initially willing to take up the issue and only moved towards doing so after efforts and pressure from Indonesia, Malaysia, and Singapore.<sup>9</sup>

Even after the summit, there still seemed to be some foot-dragging from Brunei, most noticeably in the appointment of the ASEAN Special Envoy that the consensus called for. Though the delay is partly attributable to disagreements on the details such as the envoy's mandate and term length, Brunei's role as Chair is vital in making sure that an envoy is appointed as soon as possible.<sup>23</sup> Unfortunately, there does not seem to be any progress on this several months after the summit.<sup>24</sup>

### Individual States' Influence

While ASEAN as an institution does not have much power, individual states within and outside ASEAN have varying levels of leverage on the Myanmar junta. These sources of influence or pressure can either reinforce or undermine the ASEAN-led initiatives.

**Thailand.** Of other ASEAN member states, Thailand probably has the most influence on the Myanmar junta because of the close relations between the Thai and Myanmar militaries. This closeness was made most visible a few days after the coup. Thai Prime Minister Prayuth Chan-ocha, a military man who first became Thailand's leader after the 2014 coup, revealed that General Hlaing had sent him a letter asking him for his support.<sup>25</sup>

Thailand also has the most at stake should instability and unrest become more widespread throughout Myanmar. One of its key interests would be to avoid exacerbating the already ongoing refugee situation along their 2,400-kilometer border. Economically, Thailand is the third biggest investor in Myanmar. Cross-border trade between the two countries amounted to \$9 billion in 2019. Thailand also hosts more than one and a half million migrant workers from Myanmar and is a market for a quarter of Myanmar's exports, including natural gas.<sup>26</sup>

Despite this significant leverage and an interest in peace and stability in Myanmar, Thailand does not seem inclined to make use of this leverage or be significantly involved. Thailand has been mostly quiet regarding the coup, with statements worded much milder compared to other ASEAN democracies like Indonesia and Malaysia. Prime Minister Prayuth did not attend the ASEAN Special Summit, with the Foreign Minister attending on his behalf.<sup>27</sup>

**Singapore.** Singapore was among the countries to first voice concerns regarding the coup and supported calls for an ASEAN Special Summit to discuss the situation. Singapore also has a significant leverage over Myanmar, being its largest foreign investor.<sup>28</sup> Despite this, Singapore has not made use of its economic heft to pressure the junta and has spoken up against the use of sanctions against Myanmar.<sup>29</sup> Singaporean Foreign

Minister Balakrishnan argued that indiscriminate sanctions as implemented by Western states would hurt ordinary people more than the junta, justifying Singapore's position.

Activists have condemned Singapore's "business as usual" attitude in Myanmar. A Singapore-based developer continues to be heavily involved in a real estate development near Yangon heavily linked to the Tatmadaw. The capital and lease payments paid to the military are being partly raised through the Singapore Stock Exchange.<sup>30</sup> Singapore has also been used as a ship-off point for tankers shipping aviation fuel to Myanmar, usually through Singapore-based subsidiary companies.<sup>31</sup>

**China.** With extensive economic links, China is another country with much at stake in Myanmar. China is the second largest source of foreign direct investment for Myanmar and has a significant share in Myanmar's cross-border trade. Myanmar is also an important part of China's Belt and Road Initiative, giving southern China access to the Andaman Sea via the China Myanmar Economic Corridor.

China was able to cultivate extensive economic ties with both the Tatmadaw and the NLD-led civilian government, partly explaining its relative silence and "wait-and-see" approach towards the coup. Domestically, China has portrayed the coup as a "major cabinet reshuffle," downplaying actual events in Myanmar.<sup>32</sup> This drew the ire of those protesting the junta, leading to attacks against Chinese-owned and run factories in Yangon.<sup>33</sup> Anti-China actions from the protesters reached a point that the Chinese Embassy has requested the Myanmar police to protect Chinese companies and citizens.<sup>34</sup>

United Nations Security Council (UNSC) inaction on the coup can also be attributed to China, whose intervention has been instrumental in shielding the junta from international scrutiny. In the immediate aftermath of the coup, China blocked an UNSC statement that condemned the coup and called for the restoration of democratically elected government.<sup>35</sup> China, along with Russia, has also consistently blocked language that condemned the junta or called for extra measures against the junta.<sup>36</sup> European Union High Representative Josep Borell have noted that diplomats from China

and Russia have blocked attempts from the UNSC to impose a binding arms embargo on Myanmar,<sup>37</sup> though eventually allowed a non-binding arms embargo through a United Nations General Assembly resolution by abstaining on the resolution.<sup>38</sup>

China has used its economic heft in Myanmar to throw a lifeline to the junta in face of other countries' sanction. It is keen to normalize relations with the junta to secure its economic interests, in tacit recognition of the junta's authority. PetroChina, controlled by state-owned China National Petroleum Corporation, is among the entities that continue to sell jet fuel in Myanmar.<sup>39</sup> Bilateral trade between the countries have also resumed, with Chinese imports from Myanmar from January to May of 2021 amounting to \$3.38 billion, and exports amounting to \$4.28 billion.<sup>40</sup> The committees that oversee the country's joint projects with China have also been reorganized,<sup>41</sup> hinting that Beijing will move forward with its economic interests in the country regardless of who is in charge.

**Russia.** Along with China, Russia has actively shielded the Myanmar junta from UNSC condemnation since the coup. Russia has been extremely blatant in its support of the junta and has taken advantage of the situation to further enhance its economic and military ties. These could seriously undermine efforts to bring about stability in the country and to initiate a process for the return of democratically elected government.

Military ties between Russia and Myanmar run very deep. Many military officers and students receiving training in Russia. Russia also sells Myanmar arms and weapons systems, with Myanmar spending \$807 million for Russian-made arms from 2010 to 2019.<sup>42</sup> Two weeks before the coup, Russian Defense Minister Sergei Shoigu signed a deal to supply air defense systems, surveillance drones, and radar equipment to Myanmar. Russian Deputy Defense Minister Alexander Formin attended Myanmar's Armed Forces Day two months after the coup, becoming the highest-level foreign official to attend the event and sending an unambiguous signal of support to the junta.<sup>43</sup>

Russia is keen on furthering and deepening its relations with Myanmar, especially in defense sales and despite the UN General Assembly's non-

binding arms embargo. Myanmar's air force commander visited Russia for an international helicopter industry exhibition and met with officials to discuss procurement of military hardware.<sup>44</sup> General Hlaing's own visit that same month included meetings with Russian arms exporters, in addition to meetings with the secretary of the Russian Security Council and attendance to a conference hosted by the Ministry of Defense.<sup>45</sup> The Russians are also keen in expanding its ties in other fields, such as through its donation of 2 million doses of COVID-19 vaccines and possible manufacturing in Myanmar,<sup>46</sup> and discussions to resume development of an iron-smelting plant with Russian funding.<sup>47</sup>

## Moving Forward

As it is, there does not seem to be a peaceful solution on the horizon. Involved parties have positioned themselves in preparation for a prolonged civil war and the window for early negotiations has shrunk considerably. The Tatmadaw has continued its violent suppression of protesters, with an independent group reporting that the death toll has risen to 906 by mid-July.<sup>48</sup> In early May, the NUG announced the formation of a "people's defense force", effectively the military wing of the opposition movement. In the long-term, the force is intended to come together with the various armed ethnic insurgent groups across Myanmar to go against the Tatmadaw.<sup>49</sup> These intended linkages have been built up recently, with some armed ethnic groups providing sanctuary and military training to refugees and activists. The Tatmadaw's crackdowns have also caused the emergence of citizens' militias resisting the junta. This is far from the ideal situation that would facilitate peaceful dialogue as desired in the Five-Point Consensus.

At best, the NUG's military wing and the various armed ethnic insurgent groups would stretch out the far more numerous and better armed Tatmadaw throughout Myanmar, protracting the civil war to the point of stalemate, forcing both sides to discussion and negotiation. The diplomatic, economic, and military lifelines that Russia and China have provided the Tatmadaw negates any pressure that economic sanctions and arms

embargoes can have on the junta, allowing the junta to comfortably hold its ground in Naypyidaw. This would also exacerbate the simultaneous humanitarian crisis and increase the death toll in the country.

While ASEAN's initiative is considered the best and most preferred course of action to intervene in Myanmar, it is not without its flaws. ASEAN's hold on the junta is tenuous at best. The lack of significant leverage by ASEAN on the junta allows the Tatmadaw to at best delay the implementation of the Five-Point Consensus, or at worst ignore the outcomes and suggestions of the ASEAN Special Summit completely. The use of leverage by more influential ASEAN Member States can easily push the junta towards disengaging with ASEAN completely, buoyed by its connections with China and Russia. Recalling the experience in the aftermath of Cyclone Nargis, disengagement with ASEAN can stymie the provision of humanitarian aid in Myanmar from international organizations, and any initiative from the UN perceived to be forceful, intervening, or anti-junta will most likely be blocked by Russia or China. The current state of affairs merely highlights the weaknesses of ASEAN's façade of centrality.

In the short term, the best course of action ASEAN can do is to expedite the discussions on the ASEAN Special Envoy's mandate and dispatch the envoy as soon as possible. With the continuing situation in Myanmar, ASEAN Member States must recognize that the situation in the country will most likely be prolonged and protracted beyond the current ASEAN Chair's term, and the humanitarian after-effects persisting even longer. Therefore, the envoy's office must be adequately supported, and his mandate and term of duty appropriately expanded. Similarly, the AHA Center should be adequately equipped and supported for such multi-year operations so that it can effectively enact its mandate.

Once it has its house in order, ASEAN must insist for the junta's immediate implementation of the Five-Point Consensus as a complete comprehensive whole. To have a piecemeal implementation of the consensus would provide the junta opportunity to indefinitely hold off on its obligation to engage in discussion the NUG and the prerequisite conditions

(release of political prisoners, cessation of crackdowns and violence) while reaping the benefits of humanitarian assistance facilitated by the AHA Center. The AHA Center must also be firmly in control of the distribution of aid in Myanmar, lest the resources be routed instead to the junta instead of the wider population.

With the fighting and violence happening on the ground, the geopolitical context, and the ongoing coronavirus pandemic, ASEAN is walking on a tightrope with little room to maneuver. While much of ASEAN is becoming increasingly preoccupied with the pandemic in the face of increasing daily case numbers and the arrival of the Delta variant, Brunei for the most part has been able to manage its domestic cases.<sup>50</sup> With less than six months remaining in its chairmanship, the onus is on Brunei to make sure that the specifics of the ASEAN Special Envoy, is ironed out and agreed upon by the member states, lest it fall through the cracks in the process of turning over the chairmanship to Cambodia and the situation in Myanmar further deteriorate.

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Established in 2014, Asia Pacific Pathways to Progress Foundation, Inc. (APPF) is an independent policy think tank that aims to promote peace, development, and cultural understanding for peoples of the Philippines and the Asia Pacific through research, international dialogue, and cooperation. It is the Philippine member of the regional network ASEAN Institutes for Strategic and International Studies.

The organization's work focuses on the implications of international and regional developments for the Philippines and its foreign relations. It has dedicated programs which cover international security developments, maritime affairs, connectivity and integration, and China.

Principally, APPF undertakes three major activities. First, it conducts and publishes policy-oriented research, disseminates the same to relevant stakeholders, and provides quarterly analyses of regional developments. Second, it organizes roundtable discussions and national as well as international conferences, solely or in partnership with other institutions. Third, it hosts exchanges and develops issue-based partnerships with governmental and non-governmental organizations, academic institutions, and the private sector in the Philippines and the Asia Pacific.

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APPF's original flagship program focuses on China and Philippines-China relations. The China Program stands on two pillars: (1) promoting better understanding among Philippine stakeholders of the implications of China's emerging role in East Asia and the world, and (2) strengthening linkages and engaging in Track Two diplomacy between these two neighboring countries.

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The RICP promotes a critical understanding of the political economy of regional development, and of economic trends and issues that affect Philippine national and regional interests. It seeks to generate insights and research that will enable the Philippines to strategically navigate through its international economic engagements, and interact beneficially with regional states and multilateral institutions.

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With the main purpose of developing programs that boost the country's democratic institutions and processes, KAS strongly believes that human dignity and human rights are at the very heart of their work. Thus, KAS regards people as the starting point of its initiatives towards social justice, democratic freedom, and sustainable economic activity. KAS Philippines creates, develops, and sustains networks within the political and economic arenas by bringing people together who take their mandates seriously in society.

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