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**Myanmar and ASEAN
After the 2021 Coup**

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1. Introduction

In February 2021, Myanmar's military launched another coup and seized power. The coup took place on the day that the MPs who had won in the November 2020 election were set to convene a new session of Parliament. It brought down the civilian government that had been in power for five years since 2015 and took the country back to pre-2011, before the military's political reform. It has been a year since this occurred. During this period, the military has killed around 1,500 people, and more than 11,000 have been imprisoned. At least 100 people have been tortured to death in prison (*The Irrawaddy* 2022/01/05). Of course, the actual numbers are likely much higher. Despite the significant resistance to military rule by the people, the National Unity Government (NUG), and the People's Defense Force (PDF), the military remains steadfast. Criticism from regional organizations and neighboring countries including ASEAN, Western countries such as the US and Europe, and the UN, has done little to change the situation.

2. Myanmar and ASEAN in 2021

In the 70 years since Myanmar's independence in 1948, the longest period that the country has not been under military control was the 14 years between 1948 and 1962, followed by the five years from 2015 to 2020, for a total of 19 years. In other words, the country has experienced 54 years of military rule. Myanmar's military, which had been at a standstill despite pressure and persuasion attempts from the international community, suddenly implemented political reform and liberalization measures in 2011. Just four years after the

liberalization measures were introduced, Aung San Suu Kyi and the National League for Democracy (NLD) that she led took power in 2015. The expectations for political liberalization and democratization in Myanmar increased dramatically. In November 2020, the NLD won its second election in five years, with the new Parliament scheduled to convene on February 1, 2021 in accordance with the election results. On the very day that the second civilian government was set to launch, Myanmar's military erased the country's political liberalization with its coup d'état.

Since Myanmar became a member of ASEAN in 1997, it has been a political burden to the organization. ASEAN hoped that the 2011 political liberalization of Myanmar, which had been so arduous to prepare for, would continue and eventually relieve the ASEAN from the political burden. The February 2021 coup undoubtedly crushed the expectation. Reactions poured in from ASEAN as a whole and from its individual member states. On the day of the coup, the ASEAN Chair released a statement appealing for a restoration of the status quo through dialogue, referring to the values of democracy, rule of law, human rights, and freedom listed in the ASEAN Charter (ASEAN 2021, 1). Malaysia and Singapore also issued statements, appealing for a return to normalcy and a restoration of the democratization process (Ministry of Foreign Affairs, Singapore 2021/03/02). Soon after, other ASEAN member states including Brunei (February 24), Indonesia (February 8), Thailand (March 1, March 11), the Philippines (February 9, March 3), and Cambodia (March 9) also released statements expressing their concern about the situation in Myanmar (*Al Jazeera* 2021/02/01). Indonesian Foreign Minister Retno Marsudi sought an ASEAN-level response through discussions with foreign ministers from major ASEAN countries, while also arranging to meet with Myanmar's Foreign Minister during the latter's visit to Thailand on February 24 to convey ASEAN's concerns (Erwida and Koya 2021/02/24).

Despite these individual statements issued by ASEAN's member states, it took until April 24, nearly three months after the coup, for ASEAN as a whole to issue any sort of concrete action regarding the matter. The ASEAN Secretariat held a meeting during the Summit to draw up a Five-Point Consensus on how to resolve the issue in Myanmar. Despite the opposition of Myanmar's democratic forces, leader of the coup, Commander-in-chief Min Aung Hlaing, also attended the Summit. During this meeting, the leaders presented the Five-Point Consensus, which pledged 1) immediate cessation of

violence and restraint of all parties, 2) constructive dialogue to seek a peaceful resolution, 3) dispatch of a special envoy of the ASEAN Chair to facilitate dialogue, 4) humanitarian assistance from ASEAN, and 5) a visit to Myanmar by the special envoy and delegation to meet with all parties concerned (ASEAN 2021/04/24).

We can appreciate that ASEAN put forth the effort to reach an agreement to resolve the crisis in Myanmar. However, while the Chair's statement recognizes that the situation in Myanmar is a problem, it is also reflective of ASEAN's desire to avoid conflict and tensions among member states. The title of the ASEAN Chair's statement does not mention Myanmar. The Five-Point Consensus is on a separate page as an addendum. The statement comprises nine paragraphs, and Myanmar is not mentioned until paragraphs eight and nine, after general matters such as ASEAN Centrality, the expectations and assessment of the role that Brunei will play as ASEAN's Chair, evaluation of the construction of the ASEAN community, the response to COVID-19, and cooperation with partner countries. It should be noted that the mention of the Rohingya buried in paragraph nine as a reference to the situation in Rakhine lumps the coup in together with this issue.¹⁾ The Myanmar coup d'état and its problems are relegated to paragraph eight and the Five-Point Consensus to the addendum.

The implementation of the five terms agreed to during the April Summit was plagued with issues. When Min Aung Hlaing returned home from the Summit, the military issued a statement that virtually ignored the consensus and its terms. The statement said that the military would "give careful consideration to constructive suggestions" but that Myanmar's top priority at the moment was to "maintain law and order" and "restore community peace and tranquility (Bhavan 2021/04/27)." The dispatch of the ASEAN envoy was intended to stabilize the situation in Myanmar, and Myanmar's military made it clear that it could only consider implementing the ASEAN Five-Point Consensus after domestic order has been restored. In June, Brunei's second Foreign Minister Erywan Yusof, Chair of ASEAN, visited Myanmar together with ASEAN Secretary-General, Lim Jock Hoi, but they returned empty-handed. This visit was made without an agreement having been reached regarding the ASEAN envoy, which later increased the confusion as to whether the visit should be considered as having been from the special envoy (Editorial Board 2021/06/10).

1) The Chairman's statement also included a reference to the Rohingya issue, although this reference was phrased as "the situation in Rakhine State," which is where the problem occurs, rather than a direct reference to the Rohingya people.

Following this confusion, Erywan Yusof was appointed ASEAN's special envoy on August 4 (Tom 2021/08/05). His appointment came after many twists and turns, but in the end he was not able to actually do very much. ASEAN would not agree to send the special envoy to Myanmar unless they were allowed to meet with Aung San Suu Kyi, which the military refused to agree to (Grant 2021). The dispatch of the special envoy, which had been scheduled for October, was postponed. Amidst this delay, the ASEAN Summit scheduled for the second half of the year was approaching. The international community's criticism of ASEAN's ability and willingness to handle the Myanmar situation was exacerbated by the errors made surrounding the dispatch of the special envoy. The international community criticized ASEAN's actions thus far, saying ASEAN lacked both the willingness and ability to deal with the problem. The organization was unable to take any measures to refute this criticism. In the end, ASEAN decided not to invite any representatives from Myanmar to attend the October Summit meeting (*ABC News* 2021/10/16).

From ASEAN's perspective, it had to somehow respond to the criticism that it was lukewarm in its efforts to resolve the situation in a member state, Myanmar. The exclusion of Myanmar was an unusual measure for ASEAN to take. Logically, ASEAN cannot exclude Myanmar from the Summit. The organization's decision-making follows the principle of consensus, which means an absence of strong objection (Rodolfo 2006). This means that if ASEAN did not invite Myanmar to the Summit, it would require Myanmar's consent to do so. Myanmar's military would have objected to this, if they were given an opportunity to express a view. This means that ASEAN's exclusion of Myanmar from the Summit was done with the consent of the other ASEAN member states and more importantly without Myanmar's participation. To expand on this interpretation, the decision to exclude Myanmar from the Summit means that Myanmar has been disenfranchised as an ASEAN member state. In other words, Myanmar has indirectly been recognized as not having the full status of a member state. The decision includes an implicit message of technically excluding Myanmar from ASEAN and does not recognize Myanmar's current military regime as Myanmar's legal government at the ASEAN level.

However, the symbolism of the message sent by the exclusion of Myanmar from the Summit has a limited practical effect. Regardless of whether ASEAN excludes Myanmar

from its Summits or fails to recognize the legitimacy of the country's military rule, there will be no direct impact on the situation in the country or on the military's rule. Although the military government released 5,000 political prisoners ahead of the ASEAN Summit as a conciliatory gesture, this gesture did not lessen the military's grip on power, nor did it fix the human rights situation within Myanmar (*BBC* 2021/10/18).

3. Two Band-aids and a Failure

The 2021 military coup in Myanmar and the resulting burden on ASEAN were foreshadowed in the 1990s. The Myanmar military, which reversed the election results in 1990 and solidified its power, began making overtures to ASEAN in pursuit of economic growth through opening up to gain legitimacy. Unlike Vietnam, Laos, and Cambodia, which joined ASEAN around the same time, the process of admitting Myanmar as a member state did not go smoothly. Myanmar's accession to ASEAN, which occurred despite pressure from the international community and concerns within the organization, was the beginning of a fraught relationship between the two. Myanmar pushed to join ASEAN around the same time the international community, especially Western countries, were pressuring the country economically. Following its suppression of the democratic movement in 1988, Myanmar's military reluctantly held a general election in 1990 in an effort to gain legitimacy, wherein it lost heavily to the NLD. The military annulled the results of the election and continued its reign. The international community expressed significant opposition to this action, calling for the elected Parliament to convene and demanding that the military step down. The United States and Europe led the world in imposing economic sanctions. It was under these circumstances that Myanmar joined ASEAN.

ASEAN found itself awash in criticism that Myanmar's membership not only gave legitimacy to the military regime, but also did not help the country's democracy. European opposition was particularly strong. The European Union banned delegates from Myanmar from attending the Asia-Europe Meeting (ASEM) in 1996. In the same year, the EU followed the example of the US and banned all high-ranking officials from making official visits to Myanmar and any Myanmar military personnel from visiting Europe. Because of these

measures, Myanmar was unable to attend ASEM even as a member of ASEAN. Similarly, the EU was not allowed to participate in meetings hosted by ASEAN while Myanmar was a member state (Alice 2009, 122-123). Canada also suspended cooperation with ASEAN after Myanmar joined. The United States implemented full-scale economic sanctions against Myanmar in 1997.

Despite international pressure, ASEAN began laying the groundwork for Myanmar to become a member state in 1995.¹⁾ The logic for Myanmar's membership was created. This is often called constructive engagement. ASEAN stressed that it is preferable to attract Myanmar to join ASEAN to induce change through dialogue and incentives, rather than just sitting back and hoping that they will change (Stephen 2010, 336).²⁾ Of course, not every member state of ASEAN felt the same way. The more liberal Philippine and Thai governments of the time had reservations about Myanmar's potential membership, while authoritarian Indonesia and then-ASEAN Chair in 1997, Malaysia had a more positive outlook on the matter. Myanmar's accession to ASEAN was not about resolving the troublesome sore that was Myanmar. ASEAN simply placed a band-aid over the issue and moved on.

However, this first move quickly developed into a second problem. ASEAN member states assume the chairmanship in alphabetical order. In 2006, nine years after it had joined, Myanmar's turn as ASEAN chair was imminent. Once again, a storm of controversy surrounded the country. As of 2005, Myanmar's democracy and human rights situation had barely improved. ASEAN's logic of changing Myanmar by bringing it inside had become meaningless. The US vowed to boycott ARF if Myanmar was the chair. Then British foreign secretary Ian Pearson announced in 2005 that the US and Europe would not attend any ASEAN-related meetings if Myanmar assumed the chairmanship in 2006 (*Al Jazeera* 2005/07/26). ASEAN countries band-aided over the painful issue by making an agreement with Myanmar's military that Myanmar would skip its turn as chair (Murray 2005). This was ASEAN's temporary strategy to stop external pressure and allow Myanmar to save face. This

1) In 1994, ASEAN invited Myanmar to attend the ASEAN Conference to sign the Treaty of Amity and Cooperation in Southeast Asia (TAC). The following year, Myanmar lifted Aung San Suu Kyi's house arrest and earned the right to be an ASEAN observer. In 1996, Myanmar was able to participate in the ASEAN Regional Forum (ARF) as a member, and finally joined ASEAN in 1997. Stephen McCarthy. 2010. "Burma and ASEAN: A Marriage of Inconvenience." in Lowell Dittmer. *Burma or Myanmar: The Struggle for National Identity*. Singapore: World Scientific Publishing. p. 336.

2) For further details, see Rodolfo C. Severino. 2006. *Southeast Asia in Search of an ASEAN Community: Insights from the former ASEAN Secretary-general*. Singapore: Institute of Southeast Asian Studies. pp. 131-135.

was the second time that ASEAN handled the Myanmar issue in this way.

ASEAN's failure to seize these two opportunities in the past to resolve the issue of Myanmar has led it to where it is today in 2021. In 2021, ASEAN's behavior as well as its fundamental principles came under fire. As the region's oldest and most experienced multilateral institution, ASEAN has developed an argument of ASEAN Centrality—ASEAN should be at the center of any regional multilateral cooperation. The concept has been brought into doubt. It is questionable how a regional organization like ASEAN that has not been able to effectively handle a coup d'état taking place within one of its own member states will be able to occupy a central position in multilateral cooperation with larger countries in the region (Aaron 2021). The conflict of opinion within ASEAN over Myanmar has even shaken the principle of ASEAN Unity, which is the very basis of ASEAN Centrality.

Underlying ASEAN's response to the Myanmar issue in 1997, 2005, and 2021 is the principle of the ASEAN Way. The ASEAN Way, which is marked by a reluctance to interfere in domestic issues within member states, has so far served as a safeguard for these countries to avoid being criticized for their domestic problems on the ASEAN stage. ASEAN member states have preferred to negotiate behind the scenes and make a compromise rather than expose their internal disagreements, discuss them frankly even when doing so is painful, and resolve them promptly. They lack the incentive to remove these political safeguards and do away with this way of handling issues, even though doing so would lead them to a higher level of regional cooperation. This attitude is what led to ASEAN's compromises with Myanmar in 1997 and 2005, and this is the fundamental issue that underlies ASEAN's inability to do anything to resolve the situation in 2021.

4. Conclusion

Following the February 2021 coup, ASEAN exposed its limitations once again. ASEAN member states, content to hide behind the organization and adhere to the ASEAN Way, were not able to play a major role in resolving the situation in Myanmar. They made the Five-Point Consensus in the April Summit 2021 to fend off international criticism. It,

however, has not been implemented. The appointment of a special ASEAN envoy was mired in confusion. Once the envoy was finally appointed after four months of foot-dragging, he failed to properly approach the issue. The envoy was blocked by the Myanmar military. The envoy was not allowed to access the forces opposed to military rule. In response to growing criticism, ASEAN decided not to invite Myanmar to the October Summit. Logically and technically, ASEAN did not give Myanmar an opportunity to participate in the decision-making, sending a tacit message regarding the status of the country's ASEAN membership. It, however, did not make any meaningful impacts on the military's behavior or address the issue in Myanmar. Perhaps there is a widespread perception within ASEAN that if something is everyone's responsibility, it is nobody's. This type of lukewarm response will come back to burden ASEAN. ASEAN's main principles, including Centrality and Unity, have been shaken hard by the Myanmar incident.

Of course, ASEAN alone cannot be blamed for what has happened over the course of the past year. The seething international public opinion, criticisms of Myanmar's military, and media interest that followed the February 1 coup dwindled after just three or four months. Within Myanmar, the struggle against the military was left solely up to the people there, while support from outside faded. The UN Security Council was also blocked from providing assistance due to opposition from permanent members of the Council, Russia and China. The attention of the international community has been drawn away from Myanmar and focused on the response to COVID-19 and US-China competition. In the meantime, criticism of ASEAN has increased. Of course, ASEAN's response to the situation was not laudable, nor was it effective. Nevertheless, the international community, rather than taking actions targeting the Myanmar military, pointed the finger towards ASEAN for being soft on the military junta. One might ask whether the international community's powerlessness in resolving the Myanmar issue has led it to deceive itself that scapegoating ASEAN is equivalent to taking moral and ethical responsibility for the situation. ■

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