



# Myanmar Crisis as an External Threat to ASEAN and the Philippines' Views and Response

A Webinar Duology

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## A Webinar Duology

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Published by  
**Amador Research Services**  
11 Road 2, Project 6 1100 Quezon City  
[www.amadorresearchservices.com](http://www.amadorresearchservices.com)

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Printed and published in the Philippines

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## Overview

01 February 2023 marked the second anniversary of the *coup d'etat* launched by Myanmar's military junta (*Tatmadaw*) against the popularly elected government of the ruling party (National League for Democracy). The junta has suppressed peaceful protests and cracked down on any form of dissent against the military government. Thousands of lives have been lost, thousands more are political prisoners, and those still free continue to fight for their rights under democratically elected rule.

FACTS Asia and Amador Research Services (ARS), in partnership with The Asia Foundation (TAF), began the "Myanmar Crisis as an Existential Threat to ASEAN and the Philippines' Views and Response" webinar duology to revisit what has transpired over the two years that Myanmar has been under military rule, assess actions and statements from the international community specially ASEAN and reexamine and evaluate the Philippine response and policies regarding the issue.

The specific objectives include:

1. To concisely define the rationale of the *Tatmadaw* coup, the developments after two years, and the demands of the Burmese people;
2. To gauge the effectivity and impact of measures addressing the coup such as the ASEAN Five-Point Consensus, as well as to understand the impact of the coup on regional stability; and
3. To provide the Philippines with the necessary information to plan, prepare, and execute appropriate responses to the coup, while taking into account the interests of the Filipino people, ASEAN, and international parties.

The first episode focused on the discussion and analysis of the rationale behind the coup d'etat, the recent developments that transpired amid the crisis, and the ASEAN Five-Point Consensus (FPC). Upon the examination of the challenges that impeded the implementation of the Responsibility to Protect principles in Myanmar after the coup d'etat was executed, a series of assessments on the possible mechanisms to be actualized were also discussed. The second episode examined Myanmar's relation to ASEAN and how the Philippines responded to the crisis within a fellow ASEAN member state. This webinar specifically focused on the nuanced approach that the Philippines has taken throughout the crisis, inclusive of the merits and shortcomings behind it.

## Preliminary Analysis

More than two years after the coup plunged Myanmar into crisis, ASEAN and its member states have been ineffective in reaching a peaceful resolution. In 2022, Myanmar was second only to the Russo-Ukrainian War in terms of fatalities.<sup>1</sup> The United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA) reported 1.5 million people displaced, 15.2 million are in severe need of food, and the relief fund has only reached 35% capacity at the end of 2022.<sup>2</sup> In early March, OCHA revised its report to include that humanitarian operational capacity is dwindling due to martial law across the country with approximately 17.6 million people (one-third of the population) in humanitarian need.<sup>3</sup>

ASEAN has no regional mechanism to deal with a conflict-induced crisis, especially when the *de facto* ruling authority is both the instigator and propagator of the conflict. Existing ASEAN mechanisms, such as the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), were primarily designed to address disaster-affected countries and are reliant on the affected government's cooperation and requests.<sup>4</sup> The implementation of "neutral" aid to Myanmar has been criticized as aiding the junta and legitimizing their control of the country.<sup>5</sup> ASEAN and the international community at large are called to support the pro-democracy groups within Myanmar (in the same vein as assistance is being given to the Ukrainian resistance against Russia) and to deny the junta any avenue to legitimize itself.<sup>6</sup>

ASEAN, determined to achieve a peaceful solution to the crisis, agreed to the "Five-Point Consensus" (FPC) at the ASEAN Leaders' Meeting convened last 24 April 2021 in Jakarta, Indonesia. The FPC listed the following:<sup>7</sup>

1. Immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint;
2. Constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people;
3. A special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary General of ASEAN;
4. ASEAN shall provide humanitarian assistance through the AHA Centre; and
5. The special envoy and delegation shall visit Myanmar to meet with all parties concerned.

To accomplish this, ASEAN has managed to raise USD 8 million in monetary pledges and in kind contributions of medicine, medical supplies and equipment which will be used as an aid for the prevention of COVID-19 infection and humanitarian needs. This occurred in an online conference entitled the *Pledging Conference to Support ASEAN's Humanitarian Needs in Myanmar* hosted by the ASEAN Secretary General Dato Lim Jock Hoi last August 18, 2021. Secretary General Hoi called for a “strong show of support for Myanmar in the light of “One ASEAN, One Response.” Former Special Envoy of the ASEAN Chair Dato Erywan Yusof highlighted that ASEAN’s humanitarian assistance to the Myanmar people is “a true manifestation of the ‘ASEAN Way’ to help our brothers and sisters in need, due to the recent developments and the ongoing COVID-19 pandemic.”<sup>8</sup>

A year after the crisis began, ASEAN released a statement regarding the appointment of the new special envoy and the reaffirmation of their commitment and preparedness to help Myanmar in accordance with the FPC and ASEAN Charter. They stated that durable peace and national reconciliation can only be attained by a Myanmar-owned and Myanmar-led solution along with all involved countries.<sup>9</sup>

In line with the statement, the current special envoy, Cambodian Foreign Minister Prak Sokhonn has made progress to renew its engagements with the junta. He was able to meet Min Aung Hlaing and other junta officials in March 2022, after the previous special envoy was denied.<sup>10</sup>

The Philippines emphasized the need to stand with Myanmar in addressing the issue peacefully at the 39th ASEAN Summit Plenary on October 26, 2021. Parties involved were encouraged to “engage constructive dialogue” with ASEAN. President Duterte stated that the Philippines’ “doors are open to our Rohingya brothers and sisters and other peoples of Myanmar who seek refuge.”<sup>11</sup> In line with his predecessor, President Ferdinand Marcos Jr. also shared the same sentiments by calling for the quick resolution of the Myanmar situation as it is important for Southeast Asia’s interest, keeping up the region’s image as the forefront of democracy and human rights.<sup>12</sup>

## Event Summary

The first installment of the Myanmar webinar duology was entitled “**Episode 1 - Myanmar Crisis: Two Years On**” held on the 20th of February 2023 and the featured speakers were:

- **Ms. Moe Thuzar**, Research Fellow and Coordinator of the Myanmar Studies Programme at ISEAS-Yusof Ishak Institute, Undersecretary of the ICT Industry Department at the Department of Information and Communications Technology, explained the origins and progression of the coup.
- **Mr. Thomas Benjamin Daniel**, Senior Fellow of the Foreign Policy and Security Studies Programme at the Institute of Strategic & International Studies (ISIS) based in Malaysia, discussed the ASEAN response and the dynamics of the Five-Point Consensus.
- **Dr. Andrea Passeri**, Senior Lecturer at University of Malaya’s Department of International and Strategic Studies, spoke on the effects of the crisis on ASEAN.

The second installment of the Myanmar webinar duology was entitled “**Episode 2 – The Philippine Position on the Myanmar Crisis**” held on the 7th of March 2023 and the featured speakers were:

- **Amb. Luis Cruz**, Philippine High-Level Representative to the High-Level Task Force on ASEAN Community’s Post-2025 Vision, placed the Myanmar crisis in an international geopolitical context and how the Philippines should respond.
- **Prof. Tom Villarín**, Lecturer at Ateneo de Manila University’s Department of Political Science, discussed the shortcomings of ASEAN and the role the Philippines can take.
- **Prof. Herman Joseph S. Kraft**, Professor of Political Science at the University of the Philippines Diliman, highlighted the multifaceted dynamics and consequences of the crisis on ASEAN and on the Philippines.

## Key Takeaways

### 1. The Tatmadaw Coup

#### **Rationale and Background**

The coup was conducted to correct what the military alleged was electoral fraud committed by the National League of Democracy (NLD). The coup was seen to be unnecessary given that there are other means of addressing electoral fraud.

It was proposed that the military was acting based on anti-NLD sentiments, stemming from a long history of broken trust between the military and the elected government since 1988. The NLD became a legal opposition to the government in the 2010s, winning landslide victories in elections. In 2020, the NLD won more than 80% of seats. Various other political parties denounced the election. General Hlaing accused the 2020 elections as unfair and alleged 8 million cases of electoral fraud.

It was also discussed that the military wishes to deny Aung San Suu Kyi from assuming power.

It was also noted that the NLD and Aung San Suu Kyi are both partially responsible. The failure to push for constitutional reform and for removing Tatmadaw privileges in the constitution, and Aung San Suu Kyi herself defending military atrocities in the Rakhine State were cited. General Hlaing's personal interest in maintaining his power and his fortune should also be considered.

The stakeholders of the crisis were named and identified to be the military junta, political figures involved in broad resistance, the Myanmar people, and the protesters.

#### **Two Years On**

Myanmar has suffered insecurities in food, employment, safety, and foreign currency exchange. The military junta has faced challenges in addressing economic challenges brought about during the COVID-19 pandemic. More than half the country has fallen below the poverty line.

In the wider geopolitical context, Myanmar is not an isolated country nor is it a beholden state to China. Myanmar's independent foreign policy remains preserved under military junta. It has retained a degree of agency by rebuking the West, ASEAN, and China.

Elections are planned later in 2023. Political figures who were not detained are keeping a low profile and are planning to participate in the election.

## **2. ASEAN Response**

ASEAN has maintained a non-interference policy (the acceptable degree for which ASEAN can intervene is still being debated) and no sanctions have been levied against the Tatmadaw. The regional organization as a whole has not acknowledged the junta as legitimate.

### **The Five-Point Consensus**

ASEAN crafted the Five-Point Consensus (FPC) agreement with the expected results of (1) an immediate end to the violence, (2) dialogue between all parties, (3) humanitarian assistance, (4) and allowing a special envoy to visit Myanmar.

It was reported that little has been accomplished since the FPC was adopted. It has been almost two years since it was agreed by the military junta but has not been implemented in any significant manner: (1) the violence has increased significantly, (2) no signs of dialogue between the State Administration Council and the coup opposition, (3) little interest in the Tatmadaw for reconciliation and peace, (4) no progress from the ASEAN special envoy.

In the short term, the FPC was characterized to be ineffective, largely due to the Tatmadaw preventing any progress. Any amendments to the FPC would not guarantee a more favorable outcome.

### **Importance to ASEAN**

The situation and the FPC remedy are of significant importance to ASEAN. Experts warned that continued lack of progress in the use of FPC to resolve the

crisis will have great reputational damage for ASEAN. The reasons for this are due to (1) the global expectation for ASEAN to resolve an internal matter, (2) the success or failure of the response is now tied to ASEAN credibility as an institution, and (3) the issue of refugees entering neighboring ASEAN states.

FPC presents ASEAN a “real and meaningful role” in addressing the Myanmar crisis. However, the success of it relies upon those responsible in leading the mediation effort, as well as the will of key actors and stakeholders within Myanmar.

### **Criticism: Institutional Weakness**

Three sets of major weaknesses ASEAN displayed in dealing with the crisis were identified to be: (1) internal splits, (2) inability to live up to self-proclaimed “centrality”, and (3) innate shortcomings in the “ASEAN way”.

Two factions emerged within ASEAN following the coup: the states of Indonesia, Malaysia, and Singapore (either pro-democratic or notably vocal against the junta) vs. Thailand and Cambodia (either authoritarian or indifferent to the junta’s actions). Other states, like the Philippines, have refrained from openly siding with either. This rift has also added to the failure of ASEAN to bridge the international perspectives of Western states with that of the China-Russia tandem.

Altogether, ASEAN has failed to demonstrate any effective institutional and consensus-based approach to the crisis. It was further discussed that ASEAN’s indecisiveness has encouraged the military junta to worsen the humanitarian crisis.

Meanwhile, ASEAN faces the issue of the merits of non-interference, the weaponization of humanitarian assistance by the junta, and the influence of great powers in providing weapons and diplomatic recognition by China or Russia. These have exacerbated the internal divisions and lack of consensus on moving forward.

### 3. The Philippines Position

#### **Myanmar and ASEAN**

Several public misconceptions have been clarified. Philippine position has been described as “nuanced”, especially in relation to other ASEAN member states. Trade protection, investment matters, and the safety of nationals in Myanmar are listed as the factors that affect the Philippines’ position on the crisis. ASEAN is an organization made up of independent regional states, not a regional supranational organization. It pursues consensus action via three pillars; it does not have overarching authority over its members. It is through the ASEAN Centrality approach that the FPC was brought into being and was implemented.

Additionally, the Myanmar crisis is seen to have the same geopolitical impact for the region and for the world as the Russo-Ukrainian War in Europe.

Myanmar’s position in relation to China has been discussed. Myanmar joined with ASEAN to avoid Chinese influence. Should China successfully assert its influence, it would gain access to the Malacca Strait which is a chokepoint where 40% of maritime trade passes through. This would exacerbate militarization in the South China Sea.

#### **The Nuanced Approach**

Relations between the Philippines and Myanmar are not influenced by other states in the region nor by the great power rivalry between the United States and China. It was explained that the Philippines has an investment in manufacturing and in ICT within Myanmar (specifically, the interests of Filipino based companies such as Ayala, SM, Filinvest, Adventis, etc.). Myanmar is also host to several overseas Filipino workers (OFWs) and provides assistance and protection to Filipino nationals.

President Marcos has expressed support for the FPC and called for the backing of the international community.

## Key Policy Recommendations

The speakers presented a myriad of challenges that the Philippines has the capacity to address. Regardless of the distance from Myanmar, the crisis has regional and organizational implications which the Philippines, as a part of this region and the ASEAN, continue to be affected by. The following recommendations are proposed for the Philippine government under the Marcos administration:

1. **Raise awareness and increase knowledge of the Myanmar issue.** The Philippines is ranked last in ASEAN on awareness of the Myanmar issue. The potential for spillover of violence is high (to the states bordering Myanmar) and will have regional consequences, of which the Philippines will experience.
2. **The Philippines should engage with the military junta and the NUG bilaterally.** This will involve consulting with various stakeholders on the issue. The lessons of the Philippines' experience negotiating for the Bangsamoro autonomous region can be shared as best practice. This will help in maintaining diplomatic ties as well as sustaining the democratic fervor among the Myanmar youth.
3. **The Philippines should consistently maintain the position of democratization.** Speakers from both webinars emphasized how the Philippines must maintain an uncompromising position towards the military junta and to other actors.
4. **Increase engagement with ASEAN.** The Philippines can continue to push for democratization as well as push for the incentivizing of neighboring countries for cross border humanitarian assistance, call for the international community to support, and coordinate with targeted sanctions.

The following recommendations are proposed for ASEAN moving forward:

1. **Revisit the FPC.** Address and amend shortcomings in implementation. This may include abandoning the FPC in its current form, including the role of special envoys.
2. **Amend and strengthen ASEAN's institutional mechanism for conflict resolution.** The decision making process within the ASEAN Charter needs to be addressed. ASEAN also needs improvement in engaging with human rights issues, peace, and reconciliation. Expansion towards the AIPR and AICHR has been recommended. This may also include empowering the Office of the Secretary General as an alternative to appointed special envoys.

3. **Recognize the legitimacy of NUG.** This will both increase the push for democratization and to force the military junta to open up and agree to changes. The NUG has already been recognized by the United States and the European Union. This will also avoid the indecisiveness of a middle ground between the military junta and the Burmese people.

## Endnotes

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