

# 14<sup>TH</sup> ASEAN-Australia-New Zealand Special Dialogue on Myanmar

## Summary Report

11th May 2021

### Overview

A special edition of the 14<sup>th</sup> ASEAN-Australia-New Zealand (AANZ) Dialogue was convened online via Zoom Webinar, on 11 May 2021 from 1-3pm AEST. This is the third meeting under the AANZ Dialogue process that has been convened online following the meeting organised by ANZF in July 2020 and the 13th edition of the AANZ held in December 2020.

This special edition of the Dialogue focused on the developments in Myanmar following the coup on 1 February 2021, the potential policy options for ASEAN, Australia and New Zealand and the broader task of conflict management in our region. Discussions also examined outcomes of the ASEAN Leaders Summit of 24 April, especially the creation of the five-point consensus.

The closed-door Dialogue was attended by prominent scholars and diplomats from the ASEAN-ISIS Network, Southeast Asia, Australia and New Zealand – specialists who are knowledgeable about Myanmar and ASEAN and who follow the ongoing political and humanitarian crisis closely. There was active and good Track 1 participation from the ASEAN Secretariat and the Australian and New Zealand Ambassadors to ASEAN. The program and full list of participants are appended to this report.

Asialink, in collaboration with the Institute of Strategic and International Studies (ISIS) Malaysia and the Asia New Zealand Foundation, co-convened this special edition of the AANZ Dialogue.

### Key Takeaways and Observations

- **The political and humanitarian crisis in Myanmar presents a tough and long-term challenge to ASEAN and the international community. There are few options to resolve the crisis – the way it will unfold will be largely determined by internal dynamics - and engagement with the military junta has to be part of the solution.**

Prior to the ASEAN Leaders Summit on 24 April, one ASEAN participant highlighted that there was no other option that would be feasible which left it to ASEAN to step up and work on a regional solution. For example, while the UN Special Envoy Christine Schraner Burgener was being proactive on Myanmar, she could not do much to improve things. The discussion emphasized that ASEAN will be working with Myanmar for a long time and consequently, the 5 Point Consensus that was issued at the ASEAN Summit needs to be sustainable and effective for long-term diplomacy. An ASEAN envoy was likely to continue ASEAN's work beyond Brunei's Chairmanship this year and work with Cambodia and Indonesia as Chairs in the next two years. Another ASEAN participant added that the ASEAN envoy initiative should not be seen as a silver bullet solution to the problem. A great deal of attention and pressure would be given by ASEAN Governments to the process, so the ASEAN envoy would have little room for failure. Creating conducive conditions that would maximize success for the envoy's work as opposed to "rushing in" was therefore essential.

The discussion touched on the conditions necessary for effective dialogue and mediation among the parties. One ASEAN participant said that all parties need to be prepared to compromise. For the SAC the **price of legitimacy comes with the cost of compromise and their active involvement in dialogues involving their opponents**. A few ASEAN participants also highlighted that engagement is NOT recognition. However, this may not be fully evident on state-run media information and Min Aung

Hlaing's statements and attitudes. All stakeholders including ASEAN must understand that this is a process of constant give and take.

Participants discussed the question of whether the National League for Democracy (NLD) would be allowed to contest in the new elections after clearly winning the previous one. There was a likelihood that the party would not want to be involved until political prisoners have been released. Some participants suggested that this was what the SAC wished to see happen. However, others raised concerns that the exclusion of the NLD in fresh elections would likely further destabilize the country and lead to widespread economic damage. There was also the possibility that the SAC would change electoral law to ensure it works in their favour.

- **Despite criticisms, ASEAN's 5-point consensus helped pave a way forward** towards dialogue between the military junta, the NUG and relevant stakeholders in Myanmar. Questions remained as to how ASEAN will implement the consensus in a timely manner without letting the junta stonewall any mediation process.

An Australian participant pointed out the flaws in the ASEAN 5-point consensus. Firstly, the SAC was the only representative invited to the summit. Inviting Min Aung Hlaing to a dialogue with the ASEAN leaders gave the perception that ASEAN is legitimising the coup and the authority of the junta. The National Unity Government (NUG) was excluded from the discussion and possible solutions. However, a few ASEAN participants explained that getting all parties involved may not be realistic. They said that this should be viewed as an **'opening of the door'** for more discussions. It was a move in the right direction and created opportunities for alternative governments and stakeholders to be involved in the process later after the de-escalation of conflict.

A few participants including Myanmar-based ones commented that the 5-Point Consensus was met with disappointment, anger and frustration on the ground in Myanmar. The consensus did not address the need to release political prisoners. Since the ASEAN summit, violence has not ceased in the country.

The discussion raised the major question of the time frame for implementation of the 5 Point Consensus. This is not only in relation to the appointment of the ASEAN envoy and initiation of dialogues but also the delivery of humanitarian assistance and where it will be directed to. There have been calls for visibility on the process and timeline of selecting the ASEAN envoy. Questions relating to ASEAN's credibility and ability to bring all parties to the table have been raised. The discussion emphasized how ASEAN faced limits in pushing Min Aung Hlaing to act faster and in accordance with their suggestions. One participant suggested that ASEAN could encourage Min Aung Hlaing and the SAC by feeding their need for legitimacy in order to meet the necessary conditions for the dialogue. In doing so they would be moving forward by creating conducive political conditions whilst also engaging in a dialogue.

There was agreement among the participants that this is an uncharted territory for ASEAN especially in managing an active crisis. In that context, **despite ambivalence about the 5-Point Consensus, it should not be taken for granted.** Getting a strong ASEAN consensus on Myanmar has required copious amounts of backdoor diplomacy and dedication to the issue. The discussion reminded everyone that ASEAN has an understanding of the context and specificities of Myanmar and the region – an understanding which many outside Southeast Asia (including in various global organizations) do not share.

- Within ASEAN, member states have different views of approaching the situation in Myanmar. **ASEAN is trying to balance between being irrelevant and staying coherent.**

Within ASEAN there are different responses towards what is happening in Myanmar. For example, the discussion provided some insights into Thailand's concerns regarding Myanmar. For a long time, Thailand has been a front-line state and refuge for many ethnic groups fleeing violence and conflict in Myanmar. One ASEAN participant said that many in Thailand are hoping that the Tatmadaw and Ethnic Armed Organisations would not cause an influx of refugees into Thailand as the Thai government may

not be able to handle them. This is especially whilst the country is managing its own domestic issues and COVID related problems.

One ASEAN participant said that at the ASEAN summit, the leaders had to balance their approaches to ensure the output was neither too drastic nor too lax. Another ASEAN participant added that it is important to highlight that the regional grouping organization would not be overly gentle in dealing with the SAC. The SAC would not get everything they wanted. This was evident through symbolism at the ASEAN Summit such as the Myanmar flag not being attached on the official cars driving to the meeting. Min Aung Hlaing was also not given a political or official title when he was addressed by the leaders during the summit.

An Australian participant raised the role of QUAD members such as Japan or India given their high stakes in Myanmar. He also recognized that external powers must be careful in pushing ASEAN too hard and risking its internal cohesion. A few ASEAN participants expressed hope for QUAD to be restrained and careful in its actions towards the junta, including recognizing the NUG. ASEAN needs to have enough stakes to entice the military to engage in dialogue.

Questions were raised as to **how will we know when this has been a successful effort by ASEAN, and what will be the end game for ASEAN?** Will there be a peace summit in which all actors are present or will a referendum be called for? How will ASEAN manage this crisis beyond Brunei's chairmanship, as a multi-chair project?

- **There are limits to any Australian and New Zealand role in Myanmar.** Support in the form of humanitarian assistance and conflict management should be undertaken in concert with ASEAN, Japan and other external powers. **This provides ASEAN with greater leverage vis a vis the junta**, and also recognizes ASEAN's centrality in handling the situation. At the same time, there is an understanding that **western nations have to push the junta harder than ASEAN.**

One ASEAN participant said that the SAC is not in crisis at the moment despite the protests and international pressure. The SAC genuinely believes they have the upper hand in this situation and will not be overly conciliatory to any efforts made. This is why the role of international support and regional actors outside of ASEAN is critical. The more the international community rally around ASEAN, the more the Tatmadaw will have to think before they reject any efforts at diplomacy. This is important as it will give ASEAN a degree of leverage during these discussions.

One New Zealand participant said that like ASEAN, New Zealand values the rules-based international system; however due to its size it does not have the power to influence this. While ASEAN is not a perfect mechanism for the crisis, it is important to support it. New Zealand recognizes that when a state fails it is a disaster for the region which is why the country has already gone about condemning the violence and not recognizing the junta as an official holder of power. New Zealand is already supporting the distribution of humanitarian aid by continuing its aid program. They are also ensuring that no money is going towards or through the junta. However, this is becoming increasingly difficult as there have been attacks on banks and intense scrutinisation of groups receiving international aid.

An Australian participant pointed out that Australia is a democracy that stands outside of the Southeast Asia bloc so it can do so much more without the limitations of ASEAN and ASEAN-centric diplomacy. Many in Myanmar have already indicated that they would be disappointed for Australia to hide behind the actions of ASEAN as China has done thus far. The discussion also briefly touched upon the role of China, which is an important role on a range of areas.

- The region should be prepared for a humanitarian crisis as more people become displaced due to increased conflicts and violence in the country. The situation is exacerbated by the ongoing pandemic crisis facing Southeast Asia. **Australia and New Zealand are already providing**

**humanitarian assistance through ASEAN and advocating for the R2P to be applied to Myanmar.**

The international community and regional actors need to be prepared for an exodus of Myanmar citizens who have been displaced because of this coup. One Australian participant said that Australia could play a key role in the management and support of refugees and forced migrants from Myanmar. Additionally, Australia could assist in managing and rectifying the economic ramifications of this coup. This will require a discussion on the role of Australian businesses in Myanmar. Australia should not limit itself to working just with ASEAN as a regional partner. Australia could encourage coordination and cooperation with different countries to address a wider range of issues. This would be a key way to assert Australia's position as a regional middle power.

A New Zealand participant underscored the **two key principles in responding to the crisis, i.e. ending violence and maintaining the corridor for humanitarian assistance**. The UN Responsibility to Protect (R2P) principle could be invoked in responding to Myanmar. Such legal norms have been used before and can be used again; they simply need a country to start the movement of it. Australia and New Zealand could align with each other on this without waiting for the involvement of the UN Security Council. With regard to the role of the UN, there were views from ASEAN that it should work to support ASEAN, and not act unilaterally.

The discussion also touched on the need for international recognition that those crossing borders and fleeing Myanmar are awarded refugee status no matter where they end up. There is also an opportunity to be involved by supporting ASEAN projects such as the ASEAN Centre for Humanitarian Assistance (AHA Centre) providing the organization with further leverage and capacities in managing the crisis.

One Australian participant posed questions about the different considerations and strategies open to Australia? Australia has to listen to the voices of those in Myanmar without contributing to risks and harms. It also has a diverse and complex Myanmar diaspora, some of whom want to see the country do more. What is Australia doing to address sexual and gender-based violence in Myanmar? Australia has the ability to engage with international institutions on this issue which could complement ASEAN's efforts. What is the international community doing to protect human rights defenders and civil activists who are putting their lives at risk for the cause? One ASEAN participant said that Australia's contribution of \$5 million to the AHA Centre was a "game-changer" that could increase ASEAN's leverage in engaging with the junta and unlocking funding from other Dialogue Partners.

- The Dialogue saw **good and active Track 1 participation from the ASEAN Secretariat and the Australia and New Zealand Ambassadors to ASEAN**. This should be encouraged in future editions of the Dialogue.
- Holding an annual in-person AANZ Dialogue has been challenging during the COVID-19 pandemic given that the AANZ Dialogue typically brings together a diverse group of stakeholders from 10 ASEAN countries, as well as from Australia and New Zealand. **We have worked assiduously to hold the Dialogue virtually to ensure the shared insights and connections remain strong**. Virtual meetings have some limitations in fostering deeper conversations or creative solutions when it comes to complex, intractable problems such as the Myanmar crisis.
- However, we believe there was significant value in the Dialogue session for all participants – especially for Australian and New Zealand participants who had an opportunity to listen to ASEAN perspectives and insights in a closed-door setting. **The Dialogue was invaluable in achieving one of its core objectives, i.e. fostering open and frank discussions on key regional issues that are of common interest to Australia, New Zealand and ASEAN**. The design and format of the Dialogue also facilitated an interactive and productive exchange of views.

## **ANNEX 1: PROGRAM**

**01.00 PM**      **Welcome remarks by Asialink**

**01.05 PM**      **Opening address**

Mr Will Nankervis, Australia's Ambassador to ASEAN

Mr Charlie Gillard, Charge d' Affaires a.i. of the New Zealand Mission to ASEAN

**01.15 PM**      **Theme 1**

What has been the developments since the ASEAN Summit on Myanmar? How should we perceive General Min Aung Hlaing's response and the 5-point consensus?

**Discussion Leads**

A/Professor Dr Htwe Htwe Thein, School of Management, Curtin University

Mr Amara Thiha, Research Director, Myanmar Institute for Peace and Security

**01.45 PM**      **Theme 2**

Has ASEAN responded too late and undermined its credibility, centrality and relevance? How should we interpret the different responses shown by ASEAN Member States – Indonesia, Malaysia and Singapore being more outspoken on one hand and the others more muted? Could Singapore and Thailand in particular, have done more given their vested interests?

**Discussion Leads**

A/Professor Simon Tay, Chairman, Singapore Institute of International Affairs

Mr Kavi Chongkittavorn, Senior Fellow, Chulalongkorn University Institute of

Security and International Studies; Editor-in-Chief, The Myanmar Times

Mr Evan Laksmarna, Senior Researcher, Centre for Strategic & International Studies (CSIS) Indonesia

**02.15 PM**      **Theme 3**

Is there a role for external parties such as Australia and New Zealand to work with ASEAN and what form would it take? Can ASEAN/Australia/New Zealand work together to influence the way the major powers (China, US, EU, Japan, India) engage with Myanmar? At this stage, does the Myanmar crisis - including the different international responses to that crisis - offer any lessons for future conflict management endeavours in our region?

**Discussion Leads**

Dato' Steven Wong, Secretariat, Asia Dialogue on Forced Migration (ADFM)

Dr Emma Palmer, Lecturer, Griffith Law School; Member of Griffith Asia Institute

Ms Josie Pagani, Director, Council for International Development

**02.45 PM**      **Closing Remarks**

Mr Herizal Hazri, Chief Executive, Institute of Strategic and International Studies (ISIS) Malaysia

Mr Simon Draper, Executive Director & CEO, Asia New Zealand Foundation

**03.00 PM**      **Wrap up**

This event was moderated by Mr Thomas Daniel, Fellow, Institute of Strategic and International Studies (ISIS) Malaysia; Ms Suzannah Jessep, Director, Asia New Zealand Foundation, Ms Chen Lee, Adviser of Diplomacy Program, Asialink, and; Professor Anthony Milner, International Director of Diplomacy Program, Asialink.

## **ANNEX 2: PARTICIPANTS LISTED BY ALPHABETICAL ORDER**

Dr Aries Arugay – Professor of Political Science, University of the Philippines Diliman; Fellow, Asia Pacific Pathways to Progress Foundation

Ms Penny Burt – Group CEO of Asialink

Mr Kavi Chongkittavorn – Senior Fellow, Chulalongkorn University Institute of Security and International Studies; Editor-in-Chief, The Myanmar Times

Mr Nicholas Coppel – Former Australian Ambassador to Myanmar

Mr Sam Curtis – Policy Officer, East Asia Summit and Regional Architecture Section, ASEAN and Regional Architecture Branch DFAT

Mr Thomas Daniel – Fellow, Institute of Strategic and International Studies Malaysia

Mr Simon Draper – Executive Director and CEO, Asia New Zealand Foundation

Dr Nicholas Farelly – Head of School for Social Sciences, University of Tasmania

Mr Charlie Gillard - Charge d' Affaires a.i. of the New Zealand Mission to ASEAN

Mr Herizal Hazri – Chief Executive, Institute of Strategic and International Studies Malaysia

Ms Suzannah Jessep – Director, Asia New Zealand Foundation

Mr Evan Laksmana – Senior Researcher, Centre for Strategic and International Studies Indonesia

Ms Chen Lee – Advisor of Diplomacy Program, Asialink

Mr John McCarthy (AO) – Senior Advisor, Asialink

Prof Anthony Milner – International Director of Diplomacy Program, Asialink

Mr Will Nankervis – Australian Ambassador to ASEAN

Ms Josie Pagani – Director, Council for International Development

Dr Emma Palmer – Lecturer, Griffith Law School; Member, Griffith Asia Institute

Dr Morten Pederson – Senior Lecturer in International and Political Studies, University of New South Wales

Mr Eugene Quah – Executive Chairman, Eugene Quah & Associates

Ms Gwen Robinson – Editor-at-Large, Nikkei Asian Review

Ms Tashny Sukumaran – Senior Analyst, Institute of Strategic and International Studies Malaysia

Dr Siew Mun Tang – Director of ASEAN Political and Security Community, ASEAN Secretariat

A.Prof Simon Tay – Chairman, Singapore Institute of International Affairs

Dr Htwe Htwe Thein – Associate Professor, School of Business at Curtin University

Mr Amara Thiha – Research Director, Federalism and Security Dialogue Program, Myanmar Institute for Peace and Security Mr James To – Senior Advisor Research and Engagement, Asia New Zealand Foundation

Mr Sow Keat Tok – Lecturer in Chinese, University of Melbourne Asia Institute

Dato Steven Wong – Secretariat, Asia Dialogue on Forced Migration (ADFM)