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SPECIAL ISSUE ON ASEAN 5-POINT CONSENSUS

Eleven months on from the 1 Feb 2021 coup and ‘it is clear that ASEAN has failed’. The international community looked to ASEAN to take the lead, and the outcome of the ASEAN leaders meeting on 24 April 2021 was the 5 -Point Consensus. However, the military junta in Myanmar, despite agreeing to the Consensus at the ASEAN leaders’ meeting, has

completely failed to uphold its commitment to the Consensus. The minimal progress made has now come to a halt. ‘While ASEAN must be part of the solution to the Myanmar crisis, the United States and like-minded countries can no longer afford to defer to it for leadership’.

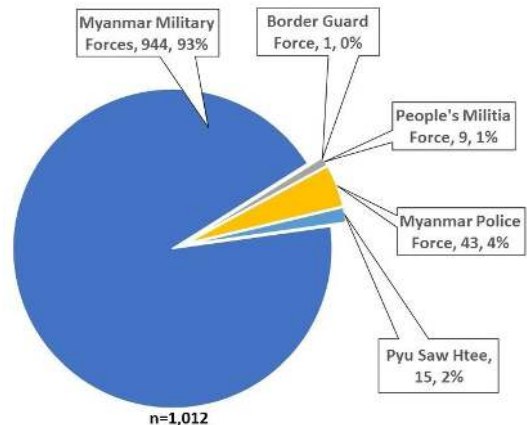
the FIRST CONSENSUS

There shall be an immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.

TO WHAT EXTENT DID THE COUP LEADER ABIDE BY HIS PROMISE AT THE APRIL 24 ASEAN LEADERS MEETING? THE ANSWER IS: **NOT AT ALL.**

Data collected by the Armed Conflict Location & Event Data Project (ACLED) can give us a snapshot of the conflict situation in Myanmar. ‘ACLED collects real-time data on the locations, dates, actors, fatalities, and types of all reported political violence and protest events across the world. ACLED data for the period from February 1st to November 30th, 2021, shows that the military junta has not abided by the first point of the ASEAN leaders’ 5-Point Consensus – immediate cessation of violence in Myanmar. During this period, there were a total of 1,012 cases of violence by the military council’s armed forces against civilians. The military accounted for 93% of cases (994 of 1,012 cases), the Myanmar Police Force was responsible for 43 cases, Pyu Saw Htee 15 cases, People’s Militias 9 cases, and the Border Guard Forces committed one. See Figure 1.

Figure 1: Violence against Civilians committed by various armed forces of the Myanmar Military Council



Source: <https://acleddata.com/data-export-tool/>

Cases of violence against civilians increased dramatically in the month following the military coup on 1 February 2021. After the promulgation of the ASEAN 5-Point Consensus on 24 April, there was no significant change in the level of violence; but since July 2021 there has been a sharp rise in cases of violence against civilians. The junta’s leader General Min Aung Hlaing and his associates have not demonstrated an immediate cessation of violence; on the contrary they have increased their efforts, accompanied by increasing violence, to defeat the Myanmar people’s anti-coup movement. As a result of the brutal repression, whilst peaceful protests against the military coup by the Myanmar people still continue to this day, we have seen a significant reduction in their frequency. On the other hand, acts of self-defence by the people - explosions and battles - have gained a momentum. See Figure 2.

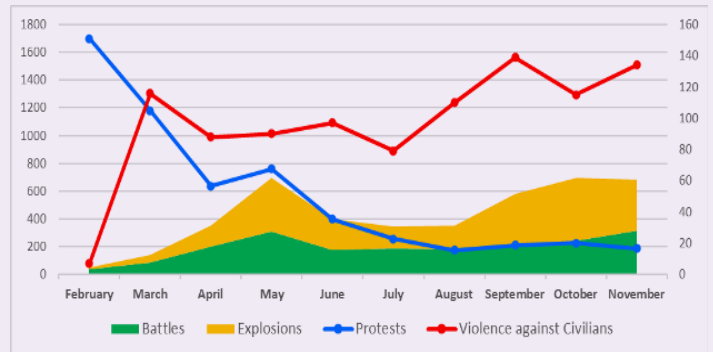
Even after release of the ASEAN leaders’ 5-Point Consensus on April 24, the Myanmar military junta continues its brutal crackdown against the Myanmar people’s anti-coup movement and as a result, the people have no choice but to take up arms in self-defence. In response to the violent repression by the junta, the frequency of explosions and battles increased dramatically from July and has remained constant from about September. Under the responsibility to protect its own people and given the complete lack of action from the UN Security Council, and insufficient support from the international community in general, the National Unity Government (NUG) declared the ‘people defensive war’ on 7 September, with the aim of consolidating and coordinating the sporadic and widespread self-defence movement of the Myanmar people.

Figure 3 shows that Shan (North), Magway, Mandalay, Yangon and Sagaing regions had the highest frequency of peaceful protests against the military coup; the violence by junta security forces against civilians was highest in the same regions, as was armed conflict (battles) and explosions. The data clearly shows that the violence by the military council’s forces is a response to the protests against the attempted coup, an attempt to suppress the anti-coup movement. The data confirms that the promise given by the coup leaders at the ASEAN leaders’ meeting on Myanmar was not sincere.

The ASEAN leader’s first point of the 5-Point Consensus ‘IMMEDIATE CESSATION OF VIOLENCE’ can only become a reality if the Myanmar coup leaders implement the following actions:

- a) The Military Council must not carry out airstrikes against civilian targets.
- b) The military council must allow independent investigation into alleged war crimes involving massacres and the burning of civilian property.
- c) The Military Council must commit to an unconditional cessation of military attacks on PDF & EAO controlled areas.

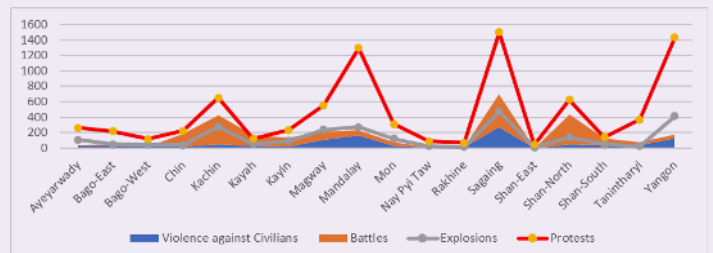
Figure 2: Types of Conflict and Monthly Occurrence (from Feb 1st to Nov 30th, 2021)



Source: <https://acleddata.com/data-export-tool/>

ARMED RESISTANCE IS THE ONLY OPTION AVAILABLE TO THE MYANMAR PEOPLE IN THE FACE OF ONGOING VIOLENT REPRESSION BY THE MILITARY COUNCIL.

Figure 3: Violence in Myanmar by State & Region (from Feb 1st to Nov 30th, 2021)



Source: <https://acleddata.com/data-export-tool/>

THE MILITARY COUP LEADER’S PROMISE IS A SHAME, AND HIS REAL DESIRE IS TO DEFEAT THE BURMESE PEOPLE’S ANTI-COUP MOVEMENT BY ANY MEANS POSSIBLE.

the SECOND CONSENSUS

Constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.

In order to initiate constructive dialogue among all parties for the sake of the Myanmar people, all stakeholders need to work together with mutual respect and trust. Trust building is fundamental to initiate the task. Without trust, an inclusive dialogue is not possible. Without inclusiveness, there is no hope to see constructive dialogue for the sake of the people in Myanmar. The NUG welcomed the ASEAN leaders' 5-Point consensus and expressed its readiness to cooperate with the ASEAN's special envoy for Myanmar.

In relation to this consideration, the following actions, carried out by the military council after the release of the 5-point consensus on April 24, have caused irreversible damage to the people's trust and respect, instead of creating an environment enabling constructive dialogue,

- (a) The junta rejected the ASEAN Special Envoy's request to meet with elected government leaders, including State Counsellor Aung San Suu Kyi.
- (b) The junta annulled the results of the free and fair 2020 election, which saw the National League for Democracy (NLD) party win in a landslide, and upon which the legitimacy of the CRPH and NUG is founded.
- (c) The junta destroyed NLD offices; and illegally arrested, detained, and in some cases killed, hundreds of the party members.
- (d) The junta has subjected the people's elected leaders to long-term imprisonment.
- (e) The junta has arrested family members of the NUG and CRPH leaders and confiscated their property.
- (f) The junta continues to conduct offensive attacks in EAO and PDF-dominated areas including airstrikes on civilian targets; currently, an offensive is underway in the area of Lay Kay Kaw Peace City in Kayin State.
- (g) The junta arrested the reporters and journalists and suppressed the media rejecting the freedom of expression and freedom of the press.

During the nearly one-year attempted coup d'état, the people have lost all trust in the military because of the actions of the junta. There are

THE KEY QUESTION
is whether the military council has promoted an environment characterised by mutual trust since the April 24 Consensus, a prerequisite for the initiation of constructive dialogue among all parties.



questions around the ability of both Cambodia, ASEAN's new Chair, and the newly appointed ASEAN Special Envoy on Myanmar, to change this military council's mind-set and barbaric behaviour toward its own people, and whether they can engender confidence in the Myanmar people to engage in constructive dialogue with the military. It is momentous task.

the THIRD CONSENSUS

A special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN.

The third consensus **COULD NOT BE IMPLEMENTED** as a result of the **failure of the second point of the consensus.**

the **FOURTH CONSENSUS**

ASEAN shall provide humanitarian assistance through the AHA Centre.

ASEAN AHA Centre is currently providing humanitarian assistance to Myanmar. However, this is under the control of the military council. The Myanmar Red Cross, which is implementing the humanitarian assistance on the ground, is viewed as a 'paramilitary force' in the eyes of most Myanmar people. In practice, there are questions on independence and neutrality of the humanitarian operations conducted by Myanmar Red Cross as the organisation is not independent from the military. Over decades, as a strategy in the Myanmar military's 'People War Strategy', the Myanmar Red Cross was designated a reserve force, the military provides basic military training for Red Cross volunteers, and the volunteers had to join the military parade on the Myanmar Armed Forces Day. The ASEAN AHA Centre, which works with such an organization

on the ground, under management of the military council, must answer the question of whether the humanitarian assistance it provides is really reaching those in real need.

The Rohingya fled to Bangladesh in 2017 to find a safe place from the military's brutality. In this crisis in 2021, the junta's airstrikes in Sagaing and Magway regions have forced many locals to flee, but they have no safe place to hide from the junta's brutality. Recently, not only locals, but also two staff from Save the Children were burned to death by the military in Hpruso town of Kayah State. How can anyone have confidence in the humanitarian aid overseen by the military junta, when even the lives of aid workers from an international organisation are in danger?

the **FIFTH CONSENSUS**

the special envoy and delegation shall visit Myanmar to meet with all parties concerned.

Former ASEAN Special Envoy Erywan Yusof never visited Myanmar during his tenure. This is mainly due to the non-cooperation of the Myanmar Military Council. In other words, the

ASEAN leaders' 5-point consensus is nothing more than a "Paper Tiger" - it is completely subject to the deception, carelessness, and non-cooperation of the military council.



The photo was taken at the scene of massacre- about 40 villagers were arrested and deliberately set on fire by Myanmar military at 11:30 am on December 24, near Moso village in the western part of Hpruso Town, Karenni State. (Source: Khit Thit Media)

CONCLUSION

In conclusion, after 8 months of extremely limited progress with ASEAN leaders' 5-Point Consensus, ASEAN has no mechanism that can withstand the military council's manipulation, non-cooperation, carelessness, and ignorance. The United Nations, governments around the world, and other international actors need to seriously consider whether ASEAN has the power to create such mechanism and implement effectively to make the 5-Point Consensus as workable solution to the junta manufactured crisis in Myanmar. Significant and effective intervention is now required by the United Nations Security Council (UNSC)- otherwise what is the point of the Council if it refuses to act? The new chair of ASEAN, Cambodia, and the new Special Envoy, can certainly play a role in the solution, but it is clear after more than 8 months of no progress, that the ASEAN needs effective assistance from the UNSC, Governments and international actors to take the lead in compelling the Myanmar military to cooperate, collaborate, and implement something along the lines of the 5-point consensus immediately.

ASEAN, along with the United Nations and the international community as a whole, must no longer ignore the 'geographic breadth and social depth' of the nation-wide anti-junta movement, 'the salience of cross-ethnic and cross-regional solidarity alongside defections and civil disobedience by state functionaries ranging from police officers and teachers to nurses and diplomats'. We implore the international community as a whole to stand with the people of Myanmar and support them both in bringing this crisis to an end and in their desire for a genuine federal democratic union. ASEAN's Cambodia experience should remind us of the role of Paris Peace Accords and the United Nations Transitional Authority in Cambodia (UNTAC).

We welcome ASEAN's recognition of the Military Junta's insufficient progress in implementing the Five-Point Consensus, particularly the Junta leadership's lack of commitment to allowing the ASEAN envoy to engage all concerned parties. Since its illegal seizure of power on February 1, the Junta has continued to take advantage of the ASEAN principles to prevent meaningful engagement to resolve the current political crisis while attempting to consolidate control of the country by force and violence. The Junta has betrayed not only its own people but also the leadership of the ASEAN. The NUG has consistently reiterated its commitment to engage and cooperate with the ASEAN in finding solution bring democracy and stability back in the country so Myanmar can be a constructive partner in the region.

- the NUG Statement on October 17, 2021

