

POLICY PAPER

Dealing with the Current Myanmar Crisis under Cambodia's ASEAN Chairmanship in 2022: Analysis and Recommendations

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Abstract

This policy paper seeks to discuss how ASEAN can better deal with political and humanitarian crisis in Myanmar after the February 2021 Coup, especially in 2022 during Cambodia's ASEAN Chairmanship. It specifically discusses how ASEAN with a Cambodia's Chairmanship should and may translate the Five-Points Consensus agreed by the ASEAN Leaders in the 2021 Jakarta Summit. In so doing, this paper discusses about significance of addressing the crisis for Cambodia as the 2022 ASEAN Chair, including its inherent capacities as well as challenges that Cambodia may face to play a more significant role in dealing with the crisis. This paper will then lay out some elements to make a better strategy and some practical recommendations. Cambodia's upper hand in dealing with the crisis is related to its position in the sub-regional of Mekong in Southeast Asia and its relations with regional powers. Its history of dealing with an internal crisis and a war with Vietnam, experience as a benefactor of an ASEAN peace process, and the Prime Minister Hun Sen personal factor might constitute Cambodia's capacities as an effective Chair to bring more solutions. This paper also shows that lag in ASEAN responses in the past and humanitarian situation on the ground of Myanmar today challenge's Cambodia as well as ASEAN role in dealing with the crisis. If Cambodia chooses to rely on quiet and back-door diplomacy, Cambodia should work with close consultation with its regional peers, especially since longer-term solution requires supports and resources that can only possible with supports from within and outside ASEAN. By considering both capacities and challenges, this paper proposes that Cambodia should lead ASEAN to define and institutionalize the mandate of the ASEAN Five Points Consensus by establishing an ASEAN Office on Myanmar. Taking into account that dealing with crisis requires a longer-term plan and strategy, this paper recommends that to realize such objective, ASEAN should work closely with supports from track 1.5, its regional counterparts, as well as the United States, to make the most benefits of its existing mechanism and agencies.

Introduction

Since the outbreak of the political and subsequent humanitarian crisis following the coup launched by the Myanmar military (Tatmadaw) on 1 February 2021, there have been high expectations on ASEAN as a regional organization to play a significant role in helping to solve the problem. However, despite having issued the Five-Point Consensus on 24 April 2021 summing up ASEAN's decision on the path to take in relation to Myanmar, no significant progress has been seen on the ground to stop violence against civilians or to facilitate delivery of humanitarian assistance by the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), let alone to start a dialogue process among all parties. The long-awaited appointment of the ASEAN Special Envoy from Brunei Darussalam in early August 2021 has unfortunately not led to any significant moves by ASEAN. Last year, the State Administration Council (SAC)'s rejection of the Envoy's visit to meet with all parties in Myanmar, which would have served as the preliminary path toward implementing the Five-Point Consensus, triggered ASEAN's decision not to allow the SAC leader to attend the 39th ASEAN Summit on 15 October 2021. ASEAN's offer to allow a non-political representative to attend the meeting instead was then rejected by the SAC.

The SAC's non-cooperative attitude has illustrated major obstacles for ASEAN in dealing with the crisis. However, on the other hand, differences of views on the crisis among the nine ASEAN members have also presented a huge challenge for the organisation to do what it should. Certain member states are quite blunt in pressuring the junta, while others have been more permissive and still largely view the crisis as purely a domestic problem.

Looking at what ASEAN has achieved so far, it is urgent to achieve some positive outcomes and add to what is lacking in the existing ASEAN actions to deal with the crisis. As ASEAN will have a new Chair in 2022, it is then timely to come up with suggestions on how the Chair can aspire to create a strategy to push for a breakthrough in dealing with the crisis. While it is true that the crisis has occurred without the prior anticipation of any agenda-setting agency, as Brunei experienced last year as the Chair of ASEAN, there might be some room for improvement to make ASEAN actions more tangible and better-planned this year and moving forward. While Brunei's chairmanship has paved the way for ASEAN consensus and enabled some symbolic gestures against the SAC, ASEAN still has some homework to be done under Cambodia's chairmanship in 2022.

One of the key ASEAN instruments to deal with the crisis is the Special Envoy. Beyond simply having one, the most important point is to ensure that the Envoy functions

effectively. ASEAN should undergo a thorough process to define the Envoy's mandates and its supporting mechanism, including the provision of sufficient resources to enable him or her to perform the role. The crisis is indeed a complex one and requires a full-time and fully equipped Envoy to undertake the task. The absence of a comprehensive Terms of Reference (TOR), which elaborate the mandates, tasks, authorities/ privileges, timeline, as well as resources designated for the Special Envoy, is a fundamental problem that has limited the ability of the Special Envoy to perform most of the expected tasks in the past. Moreover, considering the objectives stated in the Five-Point Consensus, it is hard, if not impossible, for the Special Envoy to perform effectively without being supported by an office embedded on the ground in Myanmar for a longer period of time. This kind of serious preparation for the Special Envoy is something the ASEAN Chair needs to discuss with the ASEAN member states.

Assessing ASEAN's progress in dealing with the crisis to come up with recommendations to the next chair is certainly not meant to discredit the organisation and the previous Chair. Rather, it is to show to what extent the organisation can work on the problem. Compared to other actors, ASEAN is likely to be the most legitimate and acceptable to facilitate a solution to the crisis. Despite some inherent limitations, ASEAN remains a regional bloc, of which Myanmar is a member. Thus, high expectations are naturally put on ASEAN, especially amidst the challenges faced by the international community to get access into the country and send their assistance to help the Myanmar people. These expectations will certainly be attached to Cambodia as the next ASEAN Chair.

While the Chair of ASEAN assumes no superior position above the other member states, it primarily functions as a coordinator to shape ASEAN's approach in dealing with regional issues. If Cambodia can undertake such role, it would lead to positive results in ASEAN's approach in Myanmar. Cambodia should adopt a strategy to solidify ASEAN's view and action in handling the crisis as well as proactively preparing a better design for the Special Envoy's role to undertake her or his tasks effectively. Cambodia's ability to set up better plans, strategies and mechanisms will be crucial to pave the way for a successful long-term effort in dealing with the Myanmar crisis.

Against this background, this paper aims to provide a policy analysis and recommendations for the Cambodian chairmanship, particularly related to the inclusion of a Myanmar agenda within its priority agenda. In so doing, the paper will attempt to answer the following questions:

1. Why does sustaining an ASEAN effort to address the Myanmar crisis need to be a priority agenda for Cambodia's chairmanship?

2. What existing capacities that Cambodia has can give it a better position to handle the Myanmar crisis as a Chair?
3. What would be the external and internal challenges for Cambodia when undertaking the chairmanship and pursuing its Myanmar agenda?
4. What specific strategies for Cambodia to pursue to strengthen the roles of both ASEAN and the Special Envoy in dealing with the crisis?

A. Significance of Addressing the Myanmar Crisis for Cambodia's ASEAN Chairmanship

Based on Article 32 of the ASEAN Charter on the Role of the Chairman of ASEAN, there are three roles that are particularly relevant to managing the Myanmar crisis, namely (1) to actively promote and enhance the interests and well-being of ASEAN, (2) to ensure the centrality of ASEAN, and (3) to ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including by providing good offices and other such arrangements to immediately address these concerns. Despite the consensus decision-making process where all ASEAN members have an equal say to determine its course of action, the Chair's position is crucial to taking the initiative and being proactive in defending the organization's interests. Therefore, the Charter creates room for the ASEAN Chair to deal with a crisis occurring in an ASEAN Member States' country if the crisis is against ASEAN's interests and ideals.

Under the tagline of "Addressing Challenges Together" (ACT), there are four priorities of Cambodian chairmanship: a) the speedy recovery of economic growth in the post-COVID 19, b) strengthening ASEAN centrality and unity; c) promoting human development; and d) enhancing people-to-people bonds to reinforce the spirit of the One ASEAN identity. While not specifically mentioned, Cambodian officials are aware that the Myanmar crisis is too important an issue to neglect. To a certain extent, the initiative taken by the Cambodian Prime Minister to meet with the SAC representative in Phnom Penh in November 2021, and the recent visit in early January 2022 to Naypyidaw have indicated the importance of the issue to Cambodia's leadership.

According to one Cambodian official, this is not the first time ASEAN has had to deal with a Myanmar problem. Therefore, in Cambodia's view, there was a strong sense that ASEAN must be very careful in handling this delicate issue to ensure that it will not put aside other pressing issues in the region. According to the Official, it is important for ASEAN to work by consensus on the Myanmar crisis, particularly since Myanmar is an ASEAN member state. A proactive willingness by Myanmar to engage with ASEAN would,

according to Cambodia, become the key catalyst for ASEAN to play a further role in Myanmar.¹

It is very important to support Cambodia in sustaining ASEAN's priority to handle the Myanmar crisis for several reasons. *First*, any significant progress in mitigating the crisis in Myanmar, especially showing the world that the Five-Point Consensus can actually work, will be a barometer of success for any chairmanship, as it was for Brunei; continues to be today for Cambodia; and will be tomorrow for Indonesia. The existence of ASEAN has always been associated with the absence of bloody conflict between ASEAN Member States. Therefore, it is also expected that with the existence of ASEAN there should not be gross violations of human rights within any ASEAN Member State country. In the past, ASEAN's credibility was at stake whenever the regional organization was not able to deal with its own internal crises. Internal problems in Myanmar regarding its democratization process and human rights performance have always been a test for ASEAN's existence, including its relevance in dealing with any conflict in the region, whether intra- or interstate. The more ASEAN delays in taking a role to deal with the crisis, the harder it will be for the organization to make any progress. Current polarization among conflicting parties in Myanmar has been so intensified that it has almost reached the level of civil war. Thus, it is very important for ASEAN to actively push the junta to stop violent crackdowns against civilians and show a willingness to come to the negotiation table.

Second, the Myanmar crisis has challenged ASEAN's unity and centrality. According to Rizal Sukma, ASEAN member states are divided in their views regarding the crisis. Some states have shown strong disagreement with the military coup and crackdowns against civilian protesters while others look at the crisis as purely a domestic affair in which ASEAN should maintain its non-interference principle.² In this context, the role of Chair is crucial to enable member states to reach a common standpoint, which will then allow them to act in unity. By doing so, ASEAN can solidly spearhead the effort to tackle the crisis. This is the only way ASEAN will remain relevant in maintaining peace and stability in the region.

Third, the ability and success of Cambodia's chairmanship in guiding ASEAN to deal with the crisis would also help to show it as a reliable ASEAN Member State. Chairing ASEAN is an excellent opportunity for Cambodia to prove that it can play a significant role, despite being a small country. As expressed by Vannarith Chheang, a Cambodian expert on ASEAN,

"Cambodia is in a better position than Brunei. Even though Cambodia is a small country in the Mekong but historically Cambodia and Myanmar have

very close ties and mutual respect. They offer each other support in various occasion... Cambodia is interested to be transparent when it comes to Myanmar and promoting its ASEAN colleague. Because it can be seen as a leverage of ASEAN unity.”³

Thus, it is crucial for Cambodia to seize the momentum as Chair to show that it can and will work for ASEAN and champion ASEAN's interests. There has been wide perception that Cambodia has fallen into the Chinese orbit to a certain extent. Especially after the recent US arms embargo of Cambodia in December 2021 due to its human rights performance, there has been large question whether Cambodia can be free from Chinese influence in leading ASEAN's role in Myanmar.⁴ When Cambodia chaired ASEAN back in 2012, ASEAN failed to issue a Joint Communique that would have addressed the regional concern over Chinese assertiveness in the South China Sea. Thus, putting greater focus and energy into seriously handling the Myanmar crisis by engaging more with ASEAN counterparts will help to alleviate some suspicions or perceptions over this history.⁵

Finally, the complexity of the crisis in Myanmar demands a sustainable mid-term, if not long-term, engagement strategy from ASEAN. For Cambodia to take up handling the crisis as a priority will certainly help to pave the way for subsequent chairs to push for a comprehensive and sustainable ASEAN effort in Myanmar. It will also once again show that the Chair is not only ensuring its own success, but also ASEAN's achievement as a regional organization.

B. Cambodia's Capacities to Address the Myanmar Crisis

Cambodia's geopolitical position, political structure, and history can position it to become an instrumental actor in dealing with the crisis. Cambodia's history both in dealing with internal conflict as well as interstate war can present more contextual insight for Myanmar to better listen to its regional counterpart. If Prime Minister Hun Sen can manage Cambodia's approach well, the four elements discussed below might constitute an effective Cambodian strategy to deal with the current Myanmar Crisis. By working closely with ASEAN and non-ASEAN Counterparts, Cambodia can bring tangible solutions to the problem.

1. Cambodia's Position in The Region

Cambodia, located in mainland Southeast Asia, is a relatively small country in terms of size and population compared to some other ASEAN Member States. In 2020, there were 15.68 million people living in Cambodia. With 26.73 million U.S. dollars of GDP in 2019, Cambodia was placed as the 9th out of 10 ASEAN Member

States in terms of GDP per capita at around 1,700 U.S. dollars; only slightly above Myanmar. Cambodia has no direct border with Myanmar, although it belongs to the same sub-grouping of Mekong region countries.

Many experts and officials of Cambodian politics have described the country as a “small state” in the region, especially amidst recent geopolitical trends where major powers are involved in great power politics. However, despite the relatively small size of the country, Cambodia has not always enjoyed political stability and internal cohesion. Throughout history, Cambodia has gone through internal and external conflict linked to greater sub-regional contestation. The Cambodian Civil War between the Khmer Rouge and the Kingdom of Cambodia lasted from 1967-1975. To remove the Khmer Rouge government in Kampuchea, Vietnam launched an invasion in 1978 which led to the Cambodian-Vietnamese war. The invasion left Cambodian politics fractured for years between competing political forces with different political views until the Paris Peace Agreements were signed in 1991, after hundreds of thousands of Cambodians were displaced or killed in bloody conflicts.

Such deep historical roots of both nation- and state-building in Cambodia have made the current Cambodian state a strong proponent of the principle of non-interference in its foreign policy. Cambodia joined ASEAN in 1984, and benefited from ASEAN-centred diplomacy and conflict management in the region in the form of the Jakarta Informal Meeting I and II regional initiatives. . Cambodia's adherence to the principle of non-interference was seen in the country's response in the immediate aftermath of the Myanmar coup in early 2021. Cambodian Prime Minister Hun Sen was quick to announce that “Cambodia does not comment in the internal affairs of any country at all, either within the ASEAN framework or any other country.”⁶ This stance was also previously apparent when Cambodia expressed disagreement to internationalising Rohingya issue years before the coup.⁷ Similarities between history and geo-economic characteristics between Myanmar and Cambodia cause both countries to, according to one of our sources, “have very close ties and mutual respect; ... [and] offer each other support in various occasion.”⁸ Building up rapport with the Myanmar junta might become an opportunity for Cambodia to deal with the Myanmar Crisis. These similarities could open some reliable channels in establishing contact with different political forces in Myanmar; especially the military, if the goal is to bring them to the negotiation table.

2. Cambodia as a Benefactor of an ASEAN Peace Process

In the middle of domestic turmoil caused by internal clashes and external invasion, Cambodia joined ASEAN in 1984. As a regional organization, ASEAN managed to contain the course of conflict in Cambodia, especially by linking up regional unity and solidarity with collective diplomatic skills.⁹ ASEAN paved the way for a peace process in Cambodia, as well as between Cambodia and Vietnam, which both eventually became members of the Association. By establishing the two Jakarta Informal Meetings (JIM) in 1988 and 1989, ASEAN countries created a regional dialogue framework to mediate contending perspectives between Cambodia and Vietnam and get them to agree to some terms, including the withdrawal of Vietnamese troops, prevention of genocide in Cambodia, lessening external intervention and cutting arms supplies to Cambodia, as well as establishing an international control mechanism.¹⁰

ASEAN's mediation credentials were possible thanks to Indonesian leadership setting up the foundations for a political and security community in the region as well as a precedent of conflict management in the region.¹¹ Started by Indonesian Foreign Minister Mochtar Kusumaatmadja's initiative to hold a special meeting between ASEAN Foreign Ministers to condemn the Vietnamese invasion, Indonesia was active in establishing contact with contending powers in Cambodia, including the Khmer faction, leading to the first JIM.¹² JIM II, initiated by Indonesia under Foreign Minister Ali Alatas, became a successful effort in bringing together Vietnam and Cambodia to reach an agreement and expedite an internationally supported peace process in Cambodia.¹³ The entire conflict management approach adopted by ASEAN Countries with an Indonesian agency laid out the subsequent regional framework for conflict resolution and, to some extent, fixed the diplomatic habits which ASEAN Countries tend to adopt as their default attitude towards conflict and security issues in the region.

Most of the sources we talked to during our study agree that Cambodia is in a good position to deal with the Myanmar Crisis having been the beneficiary of an ASEAN peace process. This assessment is predicated under the assumption that Cambodia will truly understand the virtue of an inclusive peace process and dialogue between contending forces in bringing about an effective solution to conflict. Cambodia will also understand the significance of ASEAN's regional credentials to opening up necessary room between international intervention and regional cohesiveness in establishing a more relevant, context-based, and genuine strategy to deal with conflict and pave the way for longer-lasting post-conflict

peacebuilding. A regional expert interviewed during our study specifically pointed out that in the past, ASEAN had a role in establishing the grounds for international legitimacy for the Cambodian government to gain recognition from the international community by layering regional process with a UN-based multilateral peace process.¹⁴ Such a process might become attractive for the contending parties in Myanmar to rely on, closely following guidance and consultation set up under an ASEAN framework.¹⁵

3. The Hun Sen Factor

Our conversations with Cambodian sources as well as experts in closed-door ASEAN meetings reveal that Hun Sen might have a significant interest in proving himself as a “senior” and effective leader of ASEAN if he achieves a major success in dealing with the Myanmar crisis. Despite the initial “no-comment” position taken by Phnom Penh when the Coup occurred in February 2021, Hun Sen reportedly became the first ASEAN Leader in the summit who outspokenly emphasized to the Myanmar junta the importance of relying on the ASEAN process. A Cambodian resource person argued that, with the exception of the Sultan of Brunei, Hun Sen is currently “the most senior leader in ASEAN and may have certain ambitions to make a (tangible) achievement.”¹⁶ Hun Sen also noted that “now we are in the situation of ASEAN-minus-one. That is not because of ASEAN but because of Myanmar itself.”¹⁷

Hun Sen has often promoted a “win-win” policy as a political solution to conflict and national fragmentation, as he considers himself the architect of long-lasting political solutions to Cambodia. The policy refers to his brokering role in ending the Cambodian Civil War by including former Khmer Rouge troops in the national government.¹⁸ When Aung San Suu Kyi was still in power, Hun Sen managed to maintain a good relationship with her.¹⁹ As a leader, Hun Sen also has a military background, which for some experts is a means to build further rapport with Myanmar military leaders,²⁰ even though we have yet to establish how familiar he is with Min Aung Hlaing.²¹ However, such a background can contribute to strengthening parallelism between Cambodia and Myanmar today.

Hun Sen might also have, to some extent, more propensity to act as compared to the Brunei Sultan. Although democracy and respect towards human rights are also under scrutiny today in Cambodia, the Cambodian political system does not constrain Hun Sen in absolute terms, and he still can afford to fail at his own policies.²² Cambodia should be more likely to engage in some risky endeavours in dealing with Myanmar crisis. That Cambodia has modulated between the non-

interference principle and outspoken pro-ASEAN tones on different occasions might indicate some possible room for establishing a workable Cambodian approach. If the intention is to build reliable contact with more parties in Myanmar, Hun Sen might be capable, depending on how inclusive and all-encompassing his outlook on Myanmar's current politics is, since the relevant actors on the ground in Myanmar do not only include the SAC, NUG, and NLD, but also different ethnic groups. Prior to the coup, Myanmar's central government had always confronted resistance from ethnic armed organizations. The way the central government, including when Suu Kyi was in power before the coup, handled Rohingya also sparked concerns in the region. The Hun Sen factor might also bring some unintended consequences if Hun Sen will not listen to his different regional and international counterparts' points of view in formulating a diplomatic approach to the Myanmar crisis.

4. Cambodia's Relations with Great Powers and International Community

The 1991 Paris Peace Accords embedded a policy of international neutrality in Cambodia's foreign policy repertoire. Following the Accord, Cambodia was a subject of international monitoring and a peacekeeping mission in the form of the United Nations Transitional Authority in Cambodia (UNTAC). To deal with human rights issues, the Extraordinary Chambers in the Courts of Cambodia were established by the Cambodian government in conjunction with the United Nations, which opened room for international participants to access Cambodian courts and apply international standards. With the experience of dealing with genocide and having a hybrid court in the country, Cambodia, despite some strong statements on national sovereignty, is not immune to the regional, international, and multilateral process of conflict management. Such experience may bring some useful knowledge that Cambodia can offer Myanmar. Resolving Cambodia's problems back then required both sticks and carrots, and different layers of governance from national to multilateral. Given the complexity that revolves around the Myanmar crisis today as well as Myanmar's unfinished state and nation building since before the crisis, reappropriation of some, if not entire, elements from Cambodia's history of peace processes might also become useful in the future.

Today's crisis occurs at a time when the politics of rebalancing are applied by great and middle powers in the region, which possibly makes the Myanmar military aware of the delicate balance of power at the international level that might both constrain and enable their grip on power at a domestic level. Many have pointed

out how neutrality might have been put aside by bilateral ties that Phnom Penh maintains with Beijing, especially looking back at the regional failure to reach a joint communique at the ASEAN summit when Cambodia was the ASEAN Chair in 2012. However, certain political and business risks loom large in the current crisis, which may provide some reasons for more collaborative actions between different powers. Chinese factories as well as Chinese infrastructure investment in Myanmar have reportedly been victims of protests and clashes in the country recently.²³ Given the challenges posed by Myanmar's instability, even a close link to the junta does not guarantee stability for Chinese investment in Myanmar.²⁴

It can be said that there has been not enough of a "stick and carrot" approach imposed upon the Myanmar junta today. Western countries and South Korea as well as Japan have expressed their condemnation of the military coup in Myanmar and invoked principles of democracy and human rights, but they remain divided in the way they pursue action to push the junta on a tangible basis. Japan, for example, despite its strong condemnation, has not taken serious action that can hurt the Tatmadaw.²⁵ However, risks of ongoing instability in Myanmar have apparently become a common ground for even contending powers to agree to take some actions on a common basis. The U.S. and China deal to block Myanmar's junta from addressing the United Nation's General Assembly in September 2021²⁶ illustrates the potential common ground for collective action on the Myanmar crisis. Recently, ASEAN Member States have managed to work together to block the Myanmar junta from joining the ASEAN-China Summit, despite Chinese lobbying to the contrary.²⁷

Cambodia's foreign relations might put Phnom Penh in a good position to marshal support and resources from the region as well as from the broader international community. President Xi Jinping has described ties between Phnom Penh and Beijing as "unbreakable."²⁸ A stable Myanmar will be better for the sustainability of the Chinese Belt and Road projects in the region.²⁹ The U.S. has explicitly relied on ASEAN to bring the junta to the negotiation table and put Myanmar back on the path of a democratic future.³⁰ Furthermore, the Sub-Mekong region may become an important platform for bringing peace to Myanmar. The Korea-Mekong Future Peace Community project, for instance, might play an instrumental role in linking developmental solutions, such as rural community development, to peace efforts.³¹ Some sub-regional framework of cooperation like this may offer some incentives that attract the Tatmadaw to the negotiating table and restrain their use of violence for political purposes.³² However, no matter how significant the roles of regional and major powers may be, the ideal solution is for ASEAN to become the central actor to lead the way in Myanmar. For this, a Chair

that fully understands what ASEAN needs to do in Myanmar and knows how to enhance the unity among the ASEAN member states while engaging with the relevant non-ASEAN counterparts towards finding a solution to the crisis is critical.

C. Challenges for Cambodia's Role in Dealing with the Myanmar Crisis

To translate the aforementioned factors into tangible actions, Cambodia faces both external and internal challenges. A rapidly changing situation on the ground in Myanmar mixed with a lack of progress made by the previous Chair, namely Brunei Darussalam, means that decisions must be made in a timely manner to prevent Myanmar's political and humanitarian situation from plunging into further catastrophe. Meanwhile, Cambodia's efforts may become counterproductive if the country chooses to fully abandon regional consultation. Cambodia must also respond to wider demand to develop a sound and transparent plan to deal with the crisis, both from its regional counterparts and from all parties involved in the crisis in Myanmar today.

1. Legacy of Brunei's Chairmanship

In various conflict and crisis situations, timing plays an important role in ensuring that disputing parties do not embark on further attempts to utilize violence and bring themselves closer to a stalemate. ASEAN has been criticized as being too slow to arrive at a consensus. However, ASEAN did manage to hold a Special Summit that sent a clear signal on what regional duty Myanmar now has to fulfil after the February coup. Months after the Five Points of Consensus agreed upon by the ASEAN Leaders, the Bruneian Special Envoy has yet to take meaningful action to deal with Myanmar Crisis. Among the effects caused by this lack of progress is the absence of a strategy formulated by the Envoy, which has exacerbated ASEAN's bad timing in its responses to the crisis. These problems are made worse by some of the inherent limitations embedded in current ASEAN institutional settings.

In the past, through the experience of JIM I and JIM II, ASEAN has established fixed habits of collective diplomacy in dealing with conflict in the region. Since then, ASEAN has believed that respecting the sovereignty among its members calls for more concerted action to ensure that sovereignty remains intact and emphasis is put on both internal cohesion and the region's wellbeing. However, this belief has also left ASEAN with a more ad hoc and less robust conflict management

mechanism. The ASEAN Charter stipulates what ASEAN can do in terms of dispute settlement. However, the Charter does not stipulate how ASEAN would work should a crisis erupt in the ASEAN region, either in the form of internal crises that might have regional consequences or in the form of a breach against the ASEAN Charter. Should an extraordinary situation occur, ASEAN will refer to consensus among leaders on how to deal with the situation. Therefore, it requires a summit to decide on the principles and way forward in responding to the crisis. Every time a crisis happens, all leaders from all ASEAN Member States must gather and should reach consensus to come up with a decision. Initiatives and agenda setting are necessary prior to such a summit. Otherwise, for a crisis to be discussed, it must wait until a regular summit is held under the existing ASEAN timetable. A sense of urgency would only arise if, for example, a leader chose to lead and initiate some expansion and other leaders agree to follow.

Against such a background, a leader's initiative and interpretation of a situation plays a necessary, if not sufficient, factor in shaping a collective diplomatic solution to a crisis. An agent assigned by consensus will then play a pivotal role in translating a decision into an actual action. According to our interview with Rizal Sukma, the appointment of Dato Erywan Yusof was not followed by the establishment of a clear and well-communicated mission plan. Therefore, time sensitive issues such as humanitarian pauses and delivery of humanitarian aid, including vaccines and food, have not been well addressed.³³ Preparing a good mission plan requires at least 6-8 months of preparation.³⁴ Building up a clear and well-communicated plan is essential for a successful mission, and the fact that Cambodia has not taken this action in the months before Phnom Penh assumes the Chairmanship position has already become a challenge. It remains a question whether in so doing, Cambodia is closely following a principle of consultation with a long-term vision to achieve durable solutions for the Myanmar crisis beyond their one-year duration of Chairmanship..

The lack of a mission plan during the Bruneian ASEAN Chairmanship in the first year of the crisis shows the limitations of what a Chair can achieve in dealing with the crisis. Even though Brunei as a Muslim majority country and maintained good relations with Myanmar, even during the Rohingya crisis,³⁵ it is not easy to translate good bilateral relations to workable plans and commitment. The personal factor of Hun Sen's involvement, as discussed above, might become a game changer here, especially since he plans to open a direct channel to the junta and hopefully to other parties involved in Myanmar. What has been circulating among academics and the media months before Brunei hands over the Chair position to Cambodia is

the potential to jump-start the negotiation process by bringing the Myanmar military to the negotiation table. However, even if such a move succeeds, without consultation and a clearly communicated vision, it remains unclear how each point of the Five-Point Consensus will be interpreted and implemented. Sensitivities about who to engage and to what extent will determine the effectiveness and durability of any immediate actions taken to deal with the crisis.

2. The situation on the ground in Myanmar vis-à-vis an ASEAN Collective Approach

The COVID-19 Pandemic has apparently emasculated the collective diplomatic capacity of ASEAN Countries. It has also stalled major regional negotiations such as the Code of Conduct on the South China Sea. In the past, during the Cambodia-Thailand dispute, the Indonesian Prime Minister applied “shuttle diplomacy” by meeting with different parties as well as ASEAN executive leaders in a short period of time. This approach is not largely applicable today given the strict health protocols applied in different ASEAN Member States when they were faced with serial COVID-19 waves. Myanmar has also been hit by the virus. As its public health infrastructure became heavily impaired, access to vaccines, oxygen and other necessary equipment to confront the disease have become highly politicized, even weaponized.³⁶ The Military has reportedly been hoarding oxygen and preventing people from buying supplies from producers.³⁷ Even as the Military began organizing vaccinations at the local level, many people distrusted these efforts, raising suspicions about whether or not the vaccines are authentic and whether or program would be used to arrest citizens.³⁸ In the middle of the situation, ethnic armed organizations are now stepping in to distribute vaccines and testing kits across border areas,³⁹ while private citizens and companies are also conducting vaccination programs in urban areas. The Covid 19 situation in Myanmar illustrates that engaging the military alone will not be sufficient given the acute fracture within Myanmar's body politics today. Legitimate actors may then not only include the NUG and NLD, but also broader ethnic organisations as well as social and political movements. This demands an ASEAN solution to create not only dialogue, but also careful ways of marshalling various resources if the goal is to ensure human safety and a feasible situation to start national dialogue in Myanmar.

Divisions among ASEAN Members States on their position regarding the Myanmar crisis might have also become obvious in the eyes of multiple actors in Myanmar including the Military, the NUG, or even ethnic armed organizations. The

initial positions of Indonesia, Singapore and Malaysia were robustly against the use of force against unarmed civilians, while others, including Cambodia, remained relatively silent.⁴⁰ There are differences in the way democratic and authoritarian governments in ASEAN views the crisis. Some governments worry that demands to play more central role in the crisis pose a risk to ASEAN unity, while others want ASEAN to keep lines of engagement opened.⁴¹ If ASEAN continues to make little progress, its inherent capacity to offer a regional-based solution accessible to all parties in Myanmar might never meet the on the ground demand for the Responsibility to Protect (R2P) when the crisis erupted in its early period. Actors on the ground remain distrustful of ASEAN, as evidenced by ASEAN flags being burned in the streets earlier this year.⁴² ASEAN's relevance in bringing solutions to this internal conflict might be waning after the NUG made an open declaration of war against the military, which has further complicated existing armed confrontations waged by various ethnic armed organizations in Myanmar.

The overall picture in Myanmar, from the COVID-19 situation to the humanitarian crisis, to the ongoing tensions among contending political and armed forces in Myanmar, presents a complex challenge for Cambodia. The key issue here is the scope of mission as well as how far the plan will reach into Myanmar's politics and constituents. ASEAN's decision to not invite Min Aung Hlaing to the summit has indicated that ASEAN indeed has some potential for a breakthrough⁴³, even considering the current balance of power and amidst diverging ideas both at Myanmar national level and regional level. The ball is now, to some extent, in the hands of Cambodia: whether to magnify such a narrow space for collective action at regional level or, instead, to pursue a "go-it-alone" mission under Hun Sen's leadership.

3. Limits to Cambodia's Approach

On various occasions, Cambodia has expressed its approach to the Myanmar crisis in terms of quiet, back-door diplomacy, which likely corresponds to the so-called ASEAN principles of respect for sovereignty and face-saving diplomacy. Such an approach might have some merit to it, especially since any feasible solution will be meaningless if it denies the fact that the military maintains a strong grip on Myanmar's bureaucracy and economy. However, as discussed above, a well-crafted and well-communicated plan and careful scrutiny in translating ASEAN decisions into tangible steps are essential. Cambodian internal politics may hamper good planning and assessment.

The ideal that many experts and officials in the region have articulated is that we should let the Myanmar people choose their own future. This premise was also apparent when we had a chance to talk to a Cambodian official regarding their existing plan to replace Erywan Yusof as the ASEAN Special Envoy.⁴⁴ The official also said that ASEAN should try to utilize quiet diplomacy and continue to engage Myanmar as much as possible. Cambodia vows to “listen as much as possible” amidst competing global priorities while ensuring that ASEAN continuously *assist* Myanmar to “find a genuine way out.”⁴⁵ While it is true that Cambodia, as compared to Thailand or Singapore, has no direct and immediate interest in Myanmar's politics, Cambodia's approach to the crisis as the Chair of ASEAN will be largely shaped by the intention to avoid international community spotlight over its own problems related to promotion of democracy and human rights.

Cambodia's elections have never met sufficient standards of democracy, especially since the National Election Committee is dominated by the ruling party, the Cambodian People's Party (CPP). In 2017, the Cambodian electoral system was dissolved by the Cambodian Supreme Court and followed by a non-free and non-fair election in 2018, when the ruling party won all national assembly seats.⁴⁶ The opposition leader was detained and faced trial on a charge of treason. Recent developments in Cambodian politics were indeed a miniature of, if not a precedent to, what would become the reality in Myanmar this year.

The likelihood that Cambodia builds a sincere contact with the NUG might be low, especially since Cambodia may consider the NUG a “shadow government.”⁴⁷ Cambodia is very sensitive and cautious towards this issue since there is currently a movement in Cambodia to create a shadow government by the opposition leaders. Cambodian opposition overseas has also adopted a similar name, the National Unity Government.⁴⁸ The question of recognition of the NUG might then become a boomerang impacting Cambodia's own internal affairs. As Cambodia is also currently criticized for the way the government handles human rights and political rights at home,⁴⁹ a defence of the non-interference principle might be seen as a tactic to keep human rights issues away from regional as well as international scrutiny, Cambodia did when responding to the Rohingya crisis in Myanmar.⁵⁰

It should also be noted that Hun Sen has referred to Min Aung Hlaing as the head of the Myanmar State in an open letter he sent when he pledged to help Myanmar when it faced a wave of COVID-19 and offered 200,000 US\$ in cash to the regime leader.⁵¹ With the absence of significant economic ties with Myanmar, some

analysts have predicted that Cambodia can make no significant difference in 2022 in dealing with the Myanmar crisis.⁵² Given its internal and diplomatic constraints, Cambodia might work best by convincing the junta to get back on track and return power to the people, as the Hun Sen administration makes further efforts to talk to the military. The need to talk to other parties beyond the military will call for Cambodia not to work alone, but to keep consultation and cooperation with its regional counterparts to make a more effective and long-term solution to the crisis.

4. International Spoilers

Notwithstanding some potential common ground for major powers to agree on a collective action, such as the U.S.-China deal to block the Myanmar junta in the United Nations General Assembly, solving problems in Myanmar today requires ideals and principles that go beyond merely power and resources. Cambodia-China bilateral ties might be a wild card in this matter. Close ties between China and the Tatmadaw remain intact post-coup, and the military has assured China of the continuation of a Belt and Road Project in Myanmar: the construction of the Kyaukphyu gas-steam combined cycle power plant project, which will contribute to the development of a deep sea port and a special economic zone in Myanmar supported by China.⁵³ Under this underlying condition, an expert we interviewed warns that “we cannot let Cambodia just work things with China without informing us (ASEAN).”⁵⁴ Cambodia should know that the ASEAN consultation process is necessary, as proven by the regional credentials ASEAN built around JIM I and JIM II, when Cambodia became a beneficiary.

The course that the Myanmar crisis will take will very much depend on the balance of power between the military, ethnic armed organizations, as well as protesters and the NUG. China has apparently put its eggs in different baskets in Myanmar. Chinese arms-suppliers have maintained arms transfers to the Myanmar military, including China North Industries Group (NORINCO), the Aviation Industry Corp. (CASC), the China Aerospace Science & Industry Corp. (CASIC), and the China National Aero-Technology Import & Export Corporation (CATIC).⁵⁵ At the same time, ethnic armed organizations such as the Arakan Army and the United Wa State Army receive arms from China.⁵⁶ Furthermore, international attempts to undermine the military might fail, since Russia keeps cooperating closely with the military by continuing arms transfers and even providing army training and university scholarship to military members blacklisted by Western countries.⁵⁷

Cambodia under Hun Sen certainly has some inclination to play a more central role in the crisis. It is important that beyond strong adherence to the principle of non-interference in ASEAN, Cambodia keep working closely in coordination and consultation with other ASEAN countries. To draw most benefit from different powers' policy towards Myanmar, it is also important that every step taken by Cambodia in 2022 is kept transparent. The absence of firm articulated ideals and principles beyond simple respect for sovereignty and limited intervention will make a rather difficult climate for coordinated measures and transparency.

D. Elements for a Better Plan and Strategy During Cambodian Chairmanship

While Brunei did not have much leeway to respond to the crisis, Cambodia has the advantage of learning from any shortcomings of its predecessor, and thus plan and create better mechanisms for the Special Envoy to undertake her/his mandates according to the Five-Point Consensus. As the Chair in 2021, Brunei was strongly criticized for not creating a comprehensive Terms of Reference (TOR), which would have specified mandates, functions and tasks, authority and privileges, as well as resources to give clarity and provide support for the Special Envoy in performing his/her duties. After certain pressures from some ASEAN member states, Brunei eventually shared a very short 3-page note that provided a general description of the role, but little else. In Rizal Sukma's opinion, the next chair should ultimately "plan, plan, plan" and be strategic instead of spontaneous in defining ASEAN's role in the crisis.

There are at least two contesting issues surrounding the Special Envoy. The first regards the structure. Instead of having one person acting as a Special Envoy, one expert floated an earlier proposal from Thailand to adopt a "Troika" or "friends of the chair" model where the Special Envoy serves as an office consisting of three prominent figures from the former, current, and next chairing countries.⁵⁸ The second regards the timeline. There are suggestions that instead of a one-year period that follows the rotating position of the Chair, it will be much more effective if the Envoy is given a longer period of working time, considering the complexities of the situation. A further suggestion is for the Envoy to have a full-fledged office residing in Myanmar, instead of undertaking "shuttle diplomacy" by going back and forth to visit the country.

In this paper, we would like to propose some suggestions regarding the correct process for appointing the Special Envoy and the format of the Special Envoy office. Firstly, we think that scrutinizing the process is extremely important to ensure an effective result where the Special Envoy can actually function and have some sort of legitimacy to

all stakeholders, both among the ASEAN member states, as well as the Myanmar stakeholders.

Secondly, we discuss the format for the Special Envoy, taking into consideration the proposal for a Troika model to support the Special Envoy. However, according to Cambodian experts and officials, Cambodia seems to be less receptive toward the idea of creating a Troika or “friends of the chair”. In early November 2021, it was widely reported in the media that Prime Minister Hun Sen immediately rejected the idea from the Malaysian Foreign Minister for the previous Special Envoy to continue its term. This idea, according to the secretary of state in the Cambodian foreign ministry “could put into question his prejudice on Cambodia’s resolve and privilege as ASEAN chair in 2022 to resolve the Myanmar crisis.” With similar logic, the proposal to ‘accompany’ the Cambodian-appointed Special Envoy would also be treated as doubting or even challenging Cambodia’s ability. Moreover, it will also require a stronger political will from ASEAN member states to totally reconstruct the framework for the Special Envoy, which must be equalized to “three envoys” instead.

To accommodate the idea where Special Envoy needs to be supported, our elaboration focuses on a particular model where the Special Envoy serve as the Head of an ASEAN Office on Myanmar, assisted by deputies that head task forces/missions that deal with specific tasks mandated by the Five-Point Consensus. Here, we would like to propose the creation of an ASEAN Office on Myanmar. What we are aiming here is the institutionalization of the Special Envoy’s role instead of purely doing shuttle diplomacy in dealing with the crisis.

Recommendations

1. Institutionalizing the Special Envoy

From conversations with sources, there are two major views in looking at the nature and function of the Special Envoy. The first tends to strictly interpret the Five-Point Consensus, in which the Special Envoy is the Envoy of the Chair that “shall facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN.” Here, the Special Envoy is described as working on a personal basis, only to be assisted by the Secretary-General of ASEAN to facilitate dialogue. The second view tends to be more holistic, perceiving the Special Envoy as an entity that should also be in charge of overseeing the other two mandates mentioned in the Five Point Consensus, namely the cessation of violence of all parties in Myanmar and the provision of humanitarian assistance by ASEAN through the AHA Centre.

There are several issues with regards to the first view:

- i. First, designating the Special Envoy only to play one role leads to the perception that he or she can only operate short-term, most likely following the term of the rotating chair. In fact, looking at the increasing polarization among the opposing parties in Myanmar, it is hard to envision the Envoy working within a one-year timeframe.
- ii. Second, while mandating the Special Envoy to mediate the dialogue process, it is extremely hard, if not impossible, to implement without a cessation of violence and coordination of humanitarian assistance into the country. The three mandates are not mutually exclusive; rather they are inseparable and should be taking place simultaneously as a whole package. Hence, for the Envoy to fulfil his or her tasks, he or she will have to carry out the work for longer than the chairmanship term.

Therefore, we would propose here that the Chair role should be expanded from simply an official that conducts “shuttle diplomacy” within a one-year period according to the chair’s term. It should be designated the Head of the ASEAN Office on Myanmar (AOM), a comprehensive framework which should function as ASEAN’s specific instrument in handling the crisis in Myanmar. In this context, the term for the Special Envoy will consequently not follow the rotating Chair’s term but expected to be longer depending the timeline for the Office.

Moreover, the existence of the AOM is crucial to shield the AHA Centre if the institution is to undertake the mandate to facilitate the delivery of humanitarian assistance. As mentioned by the former Executive Director of the AHA Centre, Adelina Kamal, the AHA Centre could not be simply deployed to work in a conflict-induced crisis alone. While it has sufficient capacity to deliver aid, the AHA cannot work by itself to negotiate for access and deal with the conflicting parties, as their security and safety will be at stake. Moreover, the AHA needs to ensure that it is not being trapped in a conflict situation, preventing such aid from being manipulated by parties to the conflict or rejected due to local stakeholders’ lack of trust in the institutions that deliver the aid. The AHA Centre requires a higher entity that can provide assurance before it can actually undertake the mandate from the Five-Point Consensus. The Special Envoy as the head of the Office should work in this capacity to ensure full access for the AHA Centre to assess the situation independently and carry out its work effectively to reach affected people.

2. Establishing the ASEAN Office on Myanmar

ASEAN leaders should commission the establishment of an ASEAN Office on Myanmar to pursue the implementation of the Five-Point Consensus. At first, the Office should seek to accomplish the following objectives:

- i. The cessation of violence in Myanmar
- ii. The delivery of humanitarian assistance facilitated by the AHA Centre
- iii. The facilitation of dialogues between all stakeholders in Myanmar
- iv. The facilitation and support of the political settlement resulting from the dialogue

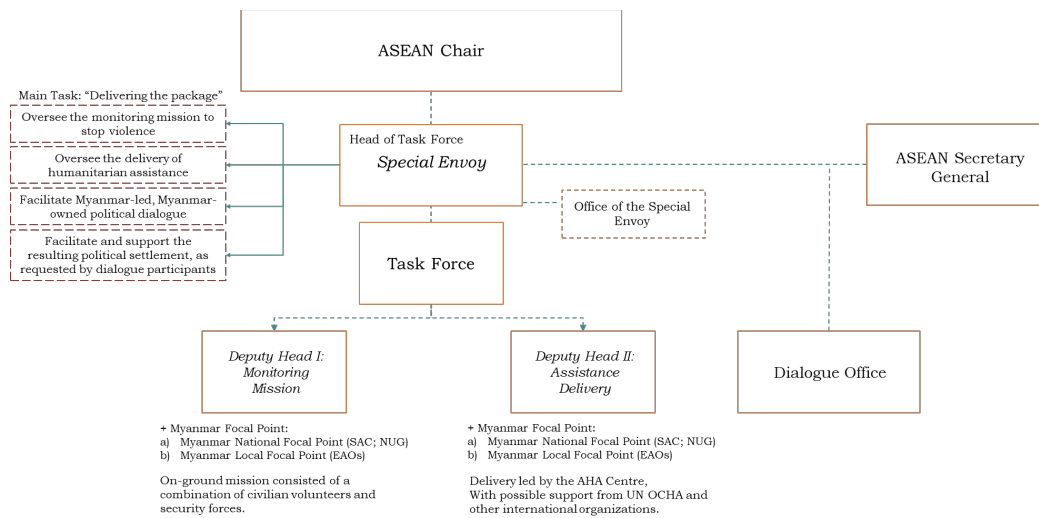
Ideally, the Office should be based in Myanmar to ensure the speedy and effective implementation of the Five-Point Consensus. While establishing such an office under the ASEAN Secretary-General Surin Pitsuwan was possible in the post-Nargis context, there is a high chance for opposition from the junta since this AOM will focus more on facilitating political and humanitarian process, instead of disaster relief effort.

Regarding the leadership structure, we are proposing a model where Special Envoy acts as the Head of the Office, assisted by two deputies that serve as the heads of task forces. The first task force is in charge of monitoring the cessation of violence. The second task force is responsible for coordinating the delivery of humanitarian assistance.

At the same level with the two deputies, there should be the Office of the Dialogue Process which will be co-chaired by the Special Envoy and the ASEAN Secretary-General to provide support to the work of the Envoy on specific matters related to the dialogue process among all stakeholders in Myanmar. Then, to deal with administrative matters, an administrative office should be established and work directly under the Special Envoy, that primarily runs secretarial and administrative work.

The application of this ASEAN Office on Myanmar is crucial to ensure the sustainability of the role of the Envoy to allow it work under different ASEAN Chairs. With this model, the Envoy is expected to have a robust team to support his or her function in the long run.

Proposed organizational structure of the ASEAN Office on Myanmar



Regarding the task forces, namely the **Monitoring Mission** and the **Assistance Delivery Mission**. Each task force is to be headed by a Deputy to the Special Envoy, it is expected that the task forces shall work with national and local focal points representing the key stakeholders from Myanmar. The Special Envoy will then have to create specific TOR for the two task forces. Specifically, under the Deputy Special Envoy I, the **Monitoring Mission** shall consist of an unarmed civilian task force charged with monitoring and evaluating the implementation of cessation of violence agreements and conditions in Myanmar. The Deputy Special Envoy I is to report to the Special Envoy as the Head of the ASEAN Office on Myanmar. While there is no limitation on the number of assistants, at least four (4) Assistants to the Deputy may be appointed from ASEAN Member States, ASEAN Secretariat, and other relevant stakeholders from Myanmar, including but not limited to the State Administrative Council, National Unity Government, and representatives of ethnic armed organizations. The duties and responsibilities of the Assistants to the Deputy shall be prescribed by the Special Envoy as the Head of the Office. The unarmed civilian task force shall propose and evaluate specific benchmarks of "cessation of violence", which may include, but is not limited to: the withdrawal of security forces from major population centres, the implementation of ceasefire agreements with ethnic armed organizations, the release of political prisoners, and the resumption of public goods delivery. This taskforce would also coordinate the safe provision and delivery of humanitarian assistance led by the AHA Centre.

Under the Deputy Special Envoy II, the AHA Centre will lead and coordinate the **Assistance Delivery Task Force** to provide a nation-wide provision of humanitarian aid. The task force will be responsible for the necessary needs assessment, the establishment of any required infrastructure, the coordination with various donors, and the distribution of aid. The Deputy Special Envoy II will report to the Special Envoy as the Head of the AOM. Similar to the Deputy I, at least four (4) Assistants to the Deputy may be appointed from ASEAN Member States, the ASEAN Secretariat, and other relevant stakeholders from Myanmar, including but not limited to the State Administrative Council, National Unity Government, and representatives of ethnic armed organizations.

3. Set Up the General Provisions for the Special Envoy

In addition to outlining the structure and mechanisms of the AOM where the Special Envoy serves as the Head, it is also important to highlight the general provisions for its roles, particularly to provide clarity in terms of obligations, mandates and functions, line of responsibilities/ authorities, as well as the availability of resources to support his/her work. In essence, the general provisions should address at least four major elements: i) mandate and authority; ii) support and access; iii) task and tenure; and iv) compliance and enforcement.

i. Mandate and authority

The Special Envoy should have the duties and responsibilities to facilitate and monitor progress on three key objectives in the Five-Point Consensus: the cessation of violence and ceasefire from all parties, the delivery of humanitarian assistance, and the facilitation and mediation of political dialogue for all parties in Myanmar. In carrying out his or her duties, the Special Envoy will have to work with the ASEAN Secretary-General and the ASEAN Chair. While carrying out his/ her work, the Special Envoy should submit regular reports on the work of the AOM to the ASEAN Foreign Ministers' Meetings (AMM). The ASEAN Foreign Ministers shall then report to the ASEAN leaders during ASEAN Summits.

Notwithstanding the need to conduct back-door diplomacy, it is equally important for the Envoy, when undertaking his/her tasks, to engage in a transparent manner with stakeholders from ASEAN member states, including both government and non-government actors. The Envoy should also be impartial in engaging with all actors in Myanmar. Regarding the interaction

with all the relevant stakeholders in Myanmar, as well as with external parties, the Special Envoy will represent the views of ASEAN leaders. Finally, the Special Envoy should be given full authority to establish the “ASEAN Office on Myanmar” which is the office that will assist him/her to implement the outcomes agreed to in Five-Point Consensus. The structure and timeline of the AOM will be elaborated in the next sub-section.

ii. Support and access

The Chair, supported by all ASEAN Member States, should secure from Myanmar stakeholders commitment and support for the Special Envoy to execute the prescribed duties . Moreover, the Chair should also work to negotiate access for the Special Envoy to be able to implement his/her duties, especially to open the way for the Envoy to enter the country and meet with all stakeholders. To support the work of the Envoy, the ASEAN Member States should seek to establish an ASEAN Special Fund for Myanmar to support the ASEAN Office on Myanmar.

iii. Task and tenure

The main tasks of the Special Envoy, as the prime mover of the ASEAN Office on Myanmar, should include the following:

- To oversee the monitoring mission for “the end of violence.”
- To coordinate access and oversee the delivery of humanitarian assistance.
- To facilitate and mediate a Myanmar-led, Myanmar-owned political dialogue.

Additionally, the Special Envoy could be tasked to facilitate and support the resulting political settlement, as requested by dialogue participants. In our calculation, the tenure of the Special Envoy should consist of at least a two-year period, which could be extended based on a decision at the ASEAN Summit. However, this timeline depends on the dynamics of the crisis on the ground.

iv. Compliance and Enforcement

Since the Special Envoy carries the mandate of all ASEAN Member States, Myanmar as a member of ASEAN has accepted the Five-Point Consensus and should show good will by complying with the ASEAN decision. The Envoy

should be given access to visit the country and conduct consultation on an equal basis with all stakeholders, set up his/her office, and perform the duties required as part of implementing the mandates from ASEAN leaders. If the Envoy is prevented from doing so, then the other nine ASEAN Members should undertake certain measures to pressure any obstructive/non-cooperative parties through their foreign ministers. ASEAN's decision to suspend the SAC attendance in the 38th and 39th ASEAN Summit should become a precedent as the least that the organization can do to ensure compliance.

Finally, aside from preparing the TOR and office structure to sustain the Special Envoy, also it is equally important for the Chair to be persistent in looking at the Myanmar crisis as a crucial issue to fight for. As elaborated earlier, there will be constant rejection from some ASEAN members themselves, seeking to push away this extremely difficult and complex issue. The crisis will be a call for major changes to take place within ASEAN, including a reinterpretation of the non-interference principle to enable ASEAN to effectively work toward its own vision; a people-oriented ASEAN where principles of democracy, promotion and protection of human rights, good governance and the rule of law are in place. Cambodia should seize momentum by using its chairmanship to rebuild ASEAN's credibility. Such an effort cannot be implemented through the exercise of power; rather, it will be possible by making effective plans and preparations through consultation with key ASEAN members and exercising well-informed strategies.

4. Build a Systematic Process for Appointing Special Envoy

Designing a comprehensive framework for the Special Envoy, particularly through the creation of the AOM will not work without also scrutinizing the appointment of the figure. In November 2021, following the announcement of Cambodia as a successor to Brunei Darussalam and taking the ASEAN Chairmanship in 2022, the Cambodian government announced that it will soon appoint a new Special Envoy for Myanmar. Cambodia's enthusiasm to follow up this issue could be seen in the Foreign Minister rebuttal of Malaysia's advice to re-appoint the previous Special Envoy, Erywan Yusof. The Five-Point Consensus indeed describes the Envoy as the Special Envoy of the Chair of ASEAN. Nevertheless, the Consensus is open to multiple interpretations, since technically he or she will be the Envoy of ASEAN. The Chair will not possess the ultimate

authority to appoint an envoy without consulting with the other ASEAN member states. Naming it as the Envoy of the Chair reflects a formal process where the Chair will formally appoint the Special Envoy that eventually requires consensus among all nine ASEAN Member States.

On one hand, with the absence of a legitimate government in Myanmar, ASEAN's decision to postpone the attendance of a SAC representative in the 38th and 39th ASEAN Summit in October 2021 should set a precedent for not having the SAC be a legitimate Myanmar representative at the ASEAN level to be consulted for the appointment of the Special Envoy. On the other hand, Special Envoy needs to receive a certain level of acceptance from the local parties in Myanmar to allow him/her to undertake the mandate. Thus, should consultation be done with Myanmar, the ASEAN Chair should consult with all stakeholders, which should also include representatives from the NUG, NUCC and other relevant actors. This is crucial to avoid any impression, such as happened under the earlier Chair, when Dato Erywan and the Secretary-General Lim Jock Hoi only met with high-ranking SAC officials to discuss their preference for the Special Envoy.

Regarding candidates, the Envoy can be from any of the nine ASEAN Member States (minus Myanmar, for obvious reasons). In theory, there is no limitation requiring the Envoy not to be from the same country as the rotating Chair, although the selection should still be largely a merit-based process. What is crucial is for the Envoy to be a prominent figure who has excellent competencies and professional agility due to his/her expertise and experiences in the conflict mediation process, especially anyone with experience in the region. Furthermore, while it is not totally forbidden to have an active high-ranking diplomat/ official, depending on the agreement of ASEAN Member States, keeping minding the enormous tasks to carry out it is much better to have a prominent retired figure in the role so he or she can totally dedicate their focus and energy on this job.

E. Conclusion

After laying out some ideas for a strategy that will benefit Cambodia in utilizing its position as Chair to bring ASEAN in to deal with the crisis in Myanmar, we would like to conclude by highlighting some practical recommendations on how Cambodia can pursue the establishment of AOM and strengthen the roles of the Special Envoy.

First, while acknowledging Cambodia's inherent capacities as well as its eagerness to lead ASEAN in advancing its efforts in dealing with the crisis, it is very important for the Chair to initiate a regular regional track 1.5 engagement meeting among the relevant

stakeholders both from relevant ministries' officials and regional think-tanks experts to keep the pressure on, stay focused, and generate support. This meeting can be held in an informal, closed-door setting.

There can be at least two types of consultation meetings:

- a) ASEAN Regional (with all ASEAN member states), or at least mini-lateral meeting with stakeholders from several key ASEAN member states, such as Indonesia, Malaysia, Singapore, and Thailand.
- b) ASEAN-Plus Meeting with stakeholders from key ASEAN member states and regional frontlines states (India, China) and other relevant countries (Japan, South Korea).

Such an exercise is certainly not meant to "lecture" Cambodia. Rather it is to allow brainstorming of ideas and strategies since the issue in Myanmar is a complex one.

Second, Cambodia will soon need to come up with the initial draft TOR and concept note for the task force/ ASEAN Office elaborating on how the Special Envoy should work. As the first step, bearing in mind the possible establishment of a "humanitarian" task force as mentioned in the Joint Press Release resulted from the meeting of Prime Minister Hun Sen and Senior General Min Aung Hlaing in early January 2022, Cambodia should come up with a concrete proposal on how this task force is going to be formed. More importantly, as the Chair, it needs to ensure that it is going to be led and steered by ASEAN, through the role of Special Envoy. In this context, Cambodia needs to delineate how all stakeholders are to be involved, not only the ones informed by the junta.

Third, Cambodia should also promote communications and engagement between the ASEAN Special Envoy and the United Nations Special Envoy on Myanmar within the framework of ASEAN-UN collaboration. This is particularly important to secure support and resources from the international organisation and international community regarding the strategy to observe the peace process and to implement mediation process.

Fourth, as part of supporting the work of the Special Envoy, Cambodia should also push for ASEAN bodies and institutions such as the ASEAN Intergovernmental Commission Human Rights (AICHR) and the ASEAN Institute for Peace and Reconciliation (AIPR) to engage with domestic stakeholders in Myanmar, such as from NUG, NUCC, Ethnic Armed Groups (EAOs) as well local experts/ scholars, instead of engaging only with the military representatives. It is the vision of ASEAN to become a people-oriented organisation; therefore, listening to and empowering the people should be part of the solution.

To conclude, Cambodia will have to ensure ASEAN's common standpoint on Myanmar's status in the organisation. This fits well with Cambodia's chairmanship tagline to address challenges together, which surely includes the Myanmar crisis. While the Chair has the privilege to shape the ASEAN agenda, dealing with the crisis is not and should not be a one man show. If one succeeds, it is a success for all.

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³ Online interview with Vannarith Chheang, 22 September 2021.

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¹⁴ Online interview with Mely Caballero-Anthony, 14 September 2021.

¹⁵ Online interview with Pou Sothirak, 21 September 2021.

¹⁶ Online interview with Vannarith Chheang, 22 September 2021.

¹⁷ Gwen Robinson, "Can ASEAN Overcome the Myanmar Curse," *Nikkei Asia*, 1 November 2021, <https://asia.nikkei.com/Spotlight/Comment/Can-ASEAN-overcome-the-Myanmar-curse>.

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¹⁹ Interview with Cheang. For some illustrations, see Tej Parikh, "When Hun Sen Met Suu Kyi," *Asia Times*, 7 May 2019, <https://asiatimes.com/2019/05/when-hun-sen-met-suu-kyi/>.

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²¹ Online interview with a Myanmar Academic, 23 September 2021

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