

ASEAN
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ASEAN A.C.T.:
Addressing Challenges Together

REPORT
OF
THE SPECIAL ENVOY
OF THE ASEAN CHAIR ON MYANMAR
TO
THE 40TH AND 41ST ASEAN SUMMITS

EXECUTIVE SUMMARY

1. On 01 February 2021, the Myanmar's miliary launched a coup against the civilian government, arresting Daw Aung San Suu Kyi and U Win Myint, along with other senior leaders of the ruling National League for Democracy, and declaring the results of the November 2020 general election invalid. What started as violence between the Tatmadaw and demonstrators quickly turned into brutal fighting in many parts of the country between the State Administration Council (SAC) and armed groups such as the Ethnic Armed Organizations (EAOs) and the National Unity Government (NUG) and its armed wing the People's Defence Force (PDF).

2. Cognizant of the far-reaching implications of Myanmar's crisis on its own people and the region as a whole, ASEAN Leaders met on 24 April 2021 in Jakarta to discuss about the situation in Myanmar, and reached the Five-Point Consensus (5PC). To ensure full and effective implementation of the 5PC, Samdech Prime Minister went to Nay Pyi Taw on 7 January 2021 to meet with Senior General Min Aung Hlaing, and soon afterward, had two videoconferences to follow up on the outcomes of the visit. Moreover, he extensively consulted with his ASEAN colleagues and other world leaders, and also received calls and briefings from the international organizations including the United Nations Secretary General Special Envoy (UNSG SE).

3. Guided by the ASEAN Charter and the ASEAN's principles, the Special Envoy of the ASEAN Chair (SEAC) paid two working visits to Myanmar to carry out his mandate as stipulated in the 5PC. Prior to each working visit, the SEAC always shared with his colleagues what he plans to do, and also sought their views on the best course of action to make progress. Moreover, the SEAC also had numerous meetings with external partners, the UNSG SE, Japan's Special Envoy, UN Specialized Agencies, and other international organizations to receive updates and exchange views on how ASEAN and its partners can promote synergy and cooperation, especially in the area of humanitarian assistance.

4. Despite the complexity and difficulty of Myanmar's political crisis, it is fair to say that the SEAC has managed to make some positive progress in the implementation of the 5PC, though not all points are moving at the same pace and scale. Since the beginning, Cambodia as the present ASEAN Chair and her Special Envoy prioritize immediate cessation of violence and ceasefire, and in all the engagements with the SAC, Samdech Prime Minister always urged for utmost restraint, and dialogue to start without delay. During the working visits, the SEAC extended this call to all armed groups including the NUG/PDF, because everyone has a share in inflicting harms and suffering on innocent people.

5. Given the SAC being the most powerful actor, the SEAC reminded his counterparts to double the efforts to end the violence, and suggested that they should deploy police instead of armed forces to maintain law and order, especially when civilians are involved. The SEAC also appealed to the EAOs and the political parties to commit to non-violent principle, and actively participate in ceasefire

negotiation. In response, the SAC, the EAOs and the political parties have promised to do their utmost ability to achieve full cessation of violence, and they also shared that it was heartbroken to see this tragedy unfolding in their country. Besides heavy human costs, the SEAC emphasized that violence also undermines any efforts to begin a dialogue or even to deliver humanitarian assistance to those most in need.

6. The commencement of the political dialogue is the most difficult among the five points, and even Myanmar's key actors themselves also thought that it is not yet the right time to bring everyone to the table. During the second working visit, the SEAC pressed Lieutenant General Yar Pyae on the possibility of a dialogue with the opposition, and he responded that it may happen but with 3 preconditions: (1) they do not seek to destroy the SAC, (2) they do not seek to replace the SAC, and (3) they agree to use the 2008 Constitution as the basis for talks. After months of intense shuttle diplomacy, the SEAC has finally managed to open a small window for dialogue.

7. The SEAC then tasked his office to share these preconditions with the NUG Foreign Minister Zin Mar Aung, and she responded by rejecting them, and offered her own preconditions, which aim to put the Tatmadaw under civilian control and send Senior General Min Aung Hlaing to prison. The differences between the SAC and the NUG are gulf apart, making any dialogue impossible, even at the technical level. However, the SEAC has not been discouraged by this lack of political will, and he continues to commence the dialogue process as soon as possible. Moreover, he has encouraged the SAC to engage with Daw Aung San Suu Kyi, and not to dissolve her party, without which any democratic solutions will face credibility question.

8. As stated in the 5PC, the SEAC has always involved the Secretary-General of ASEAN in every important activity including his working visits to Myanmar, and has also been in regular contact with the Secretary-General of ASEAN to seek his view on a wide range of issues and to receive his updates on the progress of the humanitarian assistance to Myanmar. In facilitating mediation of the dialogue process, the SEAC met with 7 EAOs, who are the signatories to the Nationwide Ceasefire Agreement, to underscore the need for all concerned parties to participate in peace talks. In response, they were strongly supportive of the SEAC's views, and also pledged to make a dialogue work in the interests of their people.

9. Moreover, the SEAC also had meetings with 8 political parties, 7 of which won votes during the 2020 general election, and he shared with them that he is always ready to facilitate a dialogue among concerned parties, if requested. These political parties pledged their full support to the SEAC, and took turn to offer their perspectives on the current situations in Myanmar and how to solve them. Acknowledging the critical role of external partners, especially Myanmar's immediate neighbours, the SEAC has often provided them with updates of his efforts, sought their view on the situation on the ground, and listened to their recommendations when applicable.

10. Humanitarian assistance has always been at the heart of Cambodia's approach to address the political crisis in Myanmar because peace talk can take time, but saving life cannot wait. Even before taking over the ASEAN Chairmanship, Cambodia already provided the people of Myanmar with medical supplies, financial resources, and vaccines bilaterally and through ASEAN mechanism. The SEAC has also made a lot of efforts to mobilize additional supports for Myanmar, and as a result, 3 million doses of vaccines together with many other medical supplies were donated by external partners. Despite not being clearly specified in the 5PC, the SEAC has worked tirelessly to facilitate, coordinate and support the delivery of humanitarian assistance in Myanmar.

11. In May 2022, he co-chaired with the Secretary-General of ASEAN the Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar, bringing together a wide range of stakeholders and leading to the adoption of two important frameworks, namely Joint Ministry of Health-Partners Vaccines Administration Framework and Humanitarian Assistance Delivery Arrangement Framework. The SEAC has also managed to secure commitments from the SAC in addressing operational challenges facing the AHA Centre and other international organizations, and expanding access to more states and regions. Moreover, he has also facilitated the conduct of the Joint Needs Assessment, especially in pushing for the inclusion of areas requested by the AHA Centre, and representatives of the UN OCHA and WFP as observers.

12. Meeting all concerned parties is also one of the SEAC's top priorities. During the working visit to Myanmar, besides his engagements with senior representatives of the SAC, he also met with 7 EAOs that remain signatories to the Nationwide Ceasefire Agreement, and 8 political parties, 7 of which won votes during the 2020 general election. The SEAC has also demanded to engage with the EAOs that are now fighting the SAC, and 4 political parties that are now under the inspection of the Union Election Commission. The request to meet Daw Aung San Suu Kyi and U Win Myint has always been on the agenda of the SEAC, but the SAC has taken strong position on this matter, suggesting that it can only be considered upon the completion of their legal proceedings.

13. Benefiting from numerous meetings and conversations with many interlocutors inside and outside of Myanmar, and for the purpose of facilitating and supporting the works of the incoming Special Envoy, the SEAC wish to make 7-point suggestions: (1) the 5PC should be accompanied by a concrete implementation plan, (2) conditions applied to the SAC should also be applied to all concerned parties, (3) ASEAN needs to press the SAC, the NUG and other parties to compromise on their preconditions, (4) concerned parties need to be clearly identified and defined, (5) restoring normal engagements with Myanmar should be based on the progress of the implementation of the 5PC, not on other factors that are outside this framework, (6) the roles of the Special Envoy of the ASEAN Chair in humanitarian assistance should be added to the 5PC or the implementation plan, and (7) the Secretary-General of ASEAN and the AHA Centre should be empowered with an appropriate degree of autonomy for a specific period of time.

REPORT OF THE SPECIAL ENVOY OF THE ASEAN CHAIR ON MYANMAR TO THE 40TH AND 41ST ASEAN SUMMITS

I. BACKGROUND

14. It has been nearly two years since the military took over power in Myanmar, and the situation remains very critical and fragile regardless of many efforts made by ASEAN, the ASEAN Chair, and the Special Envoy, among others. Although violent clashes between the State Administration Council (SAC) and demonstrators that erupted in the first months of the regime change significantly subsided, fighting have been happening almost every day and in many parts of the country, causing severe damages to the communities, the loss of many lives, humanitarian crisis, and long-lasting effects on the economy. What is worrying is that all sides believe that they can win this war, and sadly violence has become the only language they speak.

15. Cognizant of the far-reaching implications of the crises and the need to restore normalcy and democracy in Myanmar the earliest possible, ASEAN leaders met on 24 April 2021 in Jakarta and adopted the Five-Point Consensus (5PC), underlining the three priorities, namely cessation of violence, commencement and mediation of a dialogue process, and delivery of humanitarian assistance to those most in need, and the role of the Special Envoy of the ASEAN Chair (SEAC) to visit and meet all the concerned in Myanmar. A concept note was then developed to provide clarity to the mandate of the SEAC, and outline modalities for the SEAC to carry out his duties.

16. Guided by the ASEAN Charter and the 5PC, Cambodia, in the capacity of the incumbent ASEAN Chair, appointed His Excellency PRAK Sokhonn, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation, as her Special Envoy. The formalization of the appointment was made at the ASEAN Foreign Ministers' Retreat (AMMR) on 16-17 February 2022 in Phnom Penh with consensus and was welcome by ASEAN external partners and the international community.

II. REVISITING THE PAST AND CHARTERING THE NEW APPRAOCH

A. Efforts of Brunei Darussalam as the Chair Of ASEAN in 2021

17. On 4 August 2021, the 54th ASEAN Foreign Ministers' Meeting (AMM) welcomed the appointment of the ASEAN Chair of the Minister of Foreign Affairs II of Brunei Darussalam His Excellency Dato Erywan Yusof as the First Special Envoy of the ASEAN Chair on Myanmar, who would start his work in Myanmar, including by building trust and confidence with full access to all parties concerned and providing a clear timeline on the implementation of the 5PC before the AMM. Since then, he engaged in extensive consultation with regional and international partners and organizations.

18. In all the engagements, he emphasized his main role, which is to facilitate mediation of a Myanmar-led and Myanmar-owned dialogue process between all concerned parties, and to encourage efforts towards the immediate cessation of violence in Myanmar and for all parties to exercise utmost restraint. He also sought support for ASEAN's efforts and to urgently provide humanitarian assistance to Myanmar in view of the COVID-19 pandemic. Moreover, he also highlighted the necessity of engaging key individuals, specifically Daw Aung San Suu Kyi and U Win Myint, and sought to obtain the assurances that the National League for Democracy would not be disbanded.

19. Furthermore, he also encouraged the release of prisoners who were held since 01 February 2021 on humanitarian grounds, especially women, children, the elderly and the sick. This would also include releasing foreign detainees and deporting them from the country. He also advocated for the detainees to be given proper medical treatment and COVID-19 vaccinations, if necessary. He also underscored that he remains fully committed to facilitating the implementation of the 5PC, and achieving a peaceful solution in accordance with the will and the interests of the people of Myanmar.

B. Assessment of the Situation in Myanmar

20. Myanmar is a culturally and religiously diverse society with more than 120 ethnic groups, 20 of which are heavily armed, spreading across states and regions. Since its independence from Britain, Myanmar has been plagued by decades-long protracted conflicts, leaving millions of people at risk of death and poverty. The Tatmadaw and the Ethnic Armed Organizations (EAOs) never see each other eye to eye, and prior to the military takeover, partial peace hinged on a fragile nationwide ceasefire agreement, which later felt apart because 3 out of 10 EAOs that were its signatories withdrew from the agreement.

21. What is worse is that the military takeover has further exacerbated these decades-long conflicts, and given rise to more armed groups such as the People's Defence Force, that have been engaging in brutal fighting with the SAC. Moreover, the current crisis also happened against the backdrop of COVID-19 pandemic, rising major power rivalry, and economic slowdown, among others. The ongoing fighting also caused major humanitarian crises, leading to hundreds of thousands of people to leave their home for safety and become internally displaced in their own country. Another issue is the Rohingya refugees in Rakhine State that remain a major concern, and repatriation that has long been planned and discussed has yet to materialize.

22. As a result of the coup and the COVID-19 pandemic, Myanmar last year experienced one of the worst economic contractions in the world. According to the World Bank, elevated levels of domestic conflicts, a sharp rise in price of goods, the imposition of currency surrender rules, and electricity outages, among others, will continue to weaken the country's economy. Recently, the Financial Action Task Force has recommended that Myanmar be blacklisted immediately and be subject to enhanced due diligence. In addition, factory closures have been widespread due to the deteriorating labour conditions and frequent electricity

blackouts, leaving 1.6 million people jobless. If this trend continues, and the overall situation remains critical, Myanmar may plunge into severe economic crisis.

C. Cambodia's Approach Towards Myanmar's Crisis

23. Informed by her own experience with the peace and national reconciliation process that took many years to complete, Cambodia has consistently advocated for patience and the need to take a long view to address the current political crisis in Myanmar. Therefore, to guide the efforts to further advance the implementation of the 5PC, Cambodia and her Special Envoy have adopted a step-by-step, practical, flexible, participatory and inclusive approach in accordance with the ASEAN Charter and with ASEAN's Centrality and Unity at its core.

III. SAMDECH PRIME MINISTER'S EFFORTS TO HELP MYANMAR

A. Engagements with the State Administration Council

24. Seeing the need to speak directly with authorities controlling the country, Samdech Prime Minister decided to pay a working visit to Myanmar on 7-8 January 2022, and met with Senior General Min Aung Hlaing, Chairman of the State Administration Council (SAC), only a week after taking over the Chairmanship of ASEAN. To follow up on the outcomes of the visit, Samdech Prime Minister also had two videoconferences with Senior General Min Aung Hlaing on 28 January 2022 and 02 May 2022 accordingly. In all the engagements, Samdech Prime Minister provided his frank views on the situation in Myanmar, shared Cambodia's past experience, and urged the SAC to fulfil its commitments in the implementation of the 5PC.

B. Engagements with ASEAN Leaders and Other World Leaders

25. Samdech Prime Minister also had extensive and numerous consultations with some ASEAN Leaders to exchange views and explore practical solutions to help Myanmar address the current political crisis. He met bilaterally with President Joko Widodo of the Republic of Indonesia, Prime Minister Lee Hsien Loong of Singapore, Prime Minister Pham Minh Chinh of the Socialist Republic of Viet Nam, and Prime Minister Phankham Viphavanh of the Lao People's Democratic Republic. Furthermore, he also wrote to his colleagues to provide them with updates on Cambodia's views and positions on major developments in Myanmar, especially his correspondences with Senior General Min Aung Hlaing.

26. As the incumbent Chair of ASEAN, Samdech Prime Minister has always advocated for ASEAN's Centrality, and strongly urged for international support for ASEAN-led mechanism in helping Myanmar return to normalcy during his engagements with external partners. Samdech Prime Minister also attached great significance to the efforts of the United Nations, in particular its specialized agencies that have been providing humanitarian assistance to the people of Myanmar. Moreover, he received multiple calls from the Special Envoy of the United Nations Secretary-General, Dr. Noeleen Heyzer, and even expressed support for her role during his meetings with Senior General Min Aung Hlaing.

IV. THE WORKING VISITS OF THE SPECIAL ENVOY OF THE ASEAN CHAIR TO MYANMAR

27. With the support and approval of Samdech Prime Minister, His Excellency Prak Sokhonn, Deputy Prime Minister and Minister of Foreign Affairs and the Special Envoy of the ASEAN Chair, paid the first working visit on 21-22 March 2022, and he was joined by His Excellency Senior Minister Cham Prasidh, who accompanied Samdech Prime Minister during the whole Cambodia's peace negotiation process, His Excellency Dato Lim Jock Hoi, Secretary-General of ASEAN, and senior representatives of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre). On 30 June-02 July 2022, the SEAC paid his second working visit to Myanmar, and he was accompanied by His Excellency Ekkaphab Phanthavong, Deputy Secretary-General of ASEAN, and representatives of the AHA Centre.

28. Prior to the working visits, the SEAC also had intense consultation with ASEAN Foreign Ministers and ASEAN Secretary-General to share the key issues that he is planning to discuss with his counterparts in Nay Pyi Taw, and to exchange views on how his working visits could contribute to the implementation of the 5PC in a substantive and meaningful way. In addition, he also sought views and updates from the Special Envoy of the United Nations Secretary-General, Japan's Special Envoy, key external partners, in particular Myanmar's neighbours and many international organizations.

29. To prepare for each working visit, the SEAC also dispatched advance team of the Office of the Special Envoy of the ASEAN Chair to Myanmar to discuss about expected outcomes of the visit, the meetings that he would like to have, and the issues he would like to raise, among others. This meticulous planning allowed the SEAC and his Myanmar's counterparts to have open, frank and productive discussions on some of the toughest issues they faced, leading to several important outcomes and breakthroughs, albeit the complexity and difficulty of the crisis.

V. PROGRESS OF THE IMPLEMENTATION OF THE FIVE-POINT CONSENSUS

A. First, There Shall be Immediate Cessation of Violence in Myanmar and All Parties Shall Exercise Utmost Restraint

30. Violence became widespread shortly after the coup in February 2021, causing many injuries and deaths and severe disruptions to the livelihood of the people. It is also important to note that violence in Myanmar has two aspects. First, it is the fighting between the Tatmadaw and the EAOs that has been going on for more than seven decades. Second, it is the clashes between the SAC and the opposition groups emerging as a result of the coup, and this has led to the collapse of the country's fragile ceasefire agreement, creating a fertile ground for major conflicts to break out anytime in the future.

31. What is challenging is that growing violence has severely undermined any efforts to build a conducive environment for the commencement of a dialogue process, not to mention about finding peaceful solutions to the current crisis. Worse still, such unabetted violence has also made the delivery of humanitarian assistance to those most in need extremely difficult, if not impossible. As a victim of decades-long protracted conflicts that resulted in the death of one third of the population, Cambodia does not want to see another tragedy happening in Myanmar, and we strongly believe that war cannot end war.

32. During the visit to Myanmar and the two videoconferences with Senior General Min Aung Hlaing, Samdech Prime Minister strongly urged the SAC to exercise utmost restraint and avoid deploying disproportionate forces against the opposition and civilians. Acknowledging that in the context of war, those who bear arms may have a share in inflicting harms on innocent people, his call for restraint has also been extended to the EAOs and the People's Defence Force (PDF), an armed wing of the National Unity Government (NUG), albeit not in a direct manner. Furthermore, he underscored the urgent need for all conflicting parties to negotiate and conclude the nationwide ceasefire agreement as soon as possible.

33. When the SEAC met the SAC leaders including Senor General Min Aung Hlaing in Nay Pyi Taw, he openly and frankly expressed his concerns over the persistent violence in many parts of the country, and reminded the SAC to double its efforts to achieve full cessation of violence by suggesting that they should deploy police instead of military to maintain law and order. At the same time, he also recognized that other armed groups including the PDF/NUG shall be accountable for the destructions of properties and the loss of the innocents. Moreover, the SEAC has consistently urged the EAOs and the opposition to join peace talks with an aim to reach a ceasefire agreement, and would do everything at his disposal to support the process.

34. While facilitating the cessation of violence, Cambodia in her capacity as the present ASEAN Chair also issued various statements to express her deep concerns over the growing violence and deteriorating humanitarian situation, and condemn armed activities targeting public properties, humanitarian workers and the innocents. During the Foreign Ministers' Meeting and Post Ministerial Conference, Cambodia also asked external partners to play a constructive role in discouraging both the SAC and the PDF/NUG from pursuing their objectives through violent means. In fact, all the EAOs and political parties that the SEAC met during the working visits spoke against the use of violence, especially violence against civilians, and ASEAN should offer full support for this voice of peace.

35. The SAC, the EAOs, the ethnic political parties and the opposition have shared the same view with the SEAC, and have promised not to commit violence again civilians. In fact, they even informed the SEAC that these victims were their people, and it was heartbroken for them to see this tragedy unfolding in Myanmar. The SAC and several signatories and non-signatories to the

Nationwide Ceasefire Agreement (NCA) have been engaging in peace talks for months now, and Senior General Min Aung Hlaing himself also told the SEAC during their meetings in Nay Pyi Taw that he is committed to find a peaceful solution to the current crisis.

36. Despite the fact that violence between the SAC and demonstrators has significantly subsided, armed clashes remain a daily occurrence, and some parts of the country have experienced fierce fighting in recent months. What we are seeing is the shifting from the clashes between the military forces and demonstrators to brutal fighting with armed organizations, in particular the PDFs and the EAOs. Perhaps, another worrying trend but less visible is the rapid growing of drug smuggling, human trafficking and the looting of natural resources, and without effective measures, these criminal activities will exacerbate the already complicated situation on the ground, and severely affect Myanmar's neighbouring countries.

B. Second, Constructive Dialogue among All Parties Concerned Shall Commence to Seek a Peaceful Solution in the Interests of the People

37. The commencement of the political dialogue is the most difficult among the five points, and even Myanmar's key actors themselves also thought that it is not yet the right time to bring everyone to the table. While the SAC has designated the NUG, the PDF, Committee Representing Pyidaungsu Hluttaw (CRPH), National Unity Consultative Council (NUCC) as terrorists, the Tatmadaw has also been labelled as murderer. Both sides are committed to win this war with the outcome of their opponent being annihilated.

38. Reflecting on Cambodia's historical experience, Samdech Prime Minister shared with Senior General Min Aung Hlaing that to give peace a chance, he had to talk with the Khmer Rouge, so he expressed his hope that the SAC would reconsider engaging with all parties concerned regardless of their deep and irreconcilable disagreements. When the SEAC met with his counterparts in Nay Pyi Taw, he also pointed out that if the opposition is ostracized, they will have no choice but to pick arms to fight against the Tatmadaw.

39. Given her strong non-violent principle, Daw Aung San Suu Kyi has an indispensable role in the peace process, and with her support and participation, the EAOs, ethnic political parties and the opposition will join the dialogue, thus it is important that the SAC should consider, at least, engaging her, if not yet releasing her. The SEAC also encouraged the SAC not to dissolve the National League for Democracy (NLD), which won a clear majority in the 2020 general election, and underscored that any democratic solutions to the current crisis without the participation of the NLD will face credibility challenge, and strong opposition from the majority of the people of Myanmar, who massively voted for the NLD.

40. During the second working visit, the SEAC pressed Lieutenant General Yar Pyae, Chairman of the National Solidarity and Peace-Making Negotiation Committee

(NSPNC) for an answer on whether a dialogue with those designated as terrorists is possible, and in response, he affirmed that the SAC welcomes such dialogue, but with three preconditions: (1) they do not seek to destroy the SAC, (2) they do not seek to replace the SAC, and (3) they agree to use the 2008 Constitution as the basis for talks. After months of intense shuttle diplomacy, the SEAC has finally managed to open a small window for dialogue.

C. Third, the Special Envoy of the ASEAN Chair Shall Facilitate Mediation of the Dialogue Process with the Assistance of the Secretary-General of ASEAN

41. A huge gulf of differences and the total absence of trust and confidence among all the concerned parties have not stopped the SEAC's efforts to help Myanmar return to normalcy and restore democracy. As outlined in the 5PC, the SEAC has engaged the Secretary-General of ASEAN in every important activity including his working visits to Myanmar. The SEAC has also been in regular contact with the Secretary-General of ASEAN to seek his view on a wide range of issues and to receive his updates on the progress of the humanitarian assistance to Myanmar.

42. While in Nay Pyi Taw, the SEAC also met with 7 EAOs, who are signatories to the Nationwide Ceasefire Agreement. The SEAC shared with them how ASEAN has been doing to help Myanmar bring about a peaceful end to the current crisis and explained them his mandate as the Special Envoy. These EAOs also informed the SEAC about their positions, and expressed strong aspiration to see peace in their country as soon as possible. The SEAC emphasized the importance of a Myanmar-led and Myanmar-owned dialogue, and urged them to support and participate. In response, they were strongly supportive of the SEAC's view, and also pledged to make a dialogue work in the interests of their people. They also wish to have regular, or monthly if possible, meeting with the SEAC and want the SEAC to be deeply involved in the peace process.

43. Furthermore, the SEAC also met with 8 political parties, 7 of which won votes during the 2020 general election. He briefly shared updates on ASEAN's collective efforts to implement the 5PC and his mandate as the Special Envoy. Then, he also underscored that he is ready to facilitate a dialogue among concerned parties, if requested. These political parties offered their full support to the SEAC, and took turn to share their perspective on the current situations in Myanmar and how to solve them. Of course, each of them presents its own vision for the country, but they all agreed that their differences are best addressed through dialogue.

44. Although the SEAC has not directly met with any senior representatives of the NUG, his office already had two meetings with them including Her Excellency Zin Mar Aung, the NUG's Foreign Minister, to express Cambodia's readiness to facilitate a dialogue between them and the SAC. While rejecting the SAC's preconditions, the NUG also presented its own preconditions, which are seen as a non-starter for the Tatmadaw. The NUG does not support a technical-level meeting with the SAC without any preconditions either, suggesting that it is not yet the right time for dialogue.

45. Cognizant of the critical role of external partners, especially Myanmar's immediate neighbours such as China, India, Thailand, and Bangladesh, among

others, the SEAC has often shared with them the updates of his efforts, sought their views on the situation on the ground, and listened to their recommendations when applicable. Importantly, the SEAC has also requested the assistance from these partners in urging or even putting pressure on the SAC, the NUG, the PDF, the EAOs and the ethnic political parties to soften their positions, narrow their differences, and make compromises in order for a dialogue process to take place.

D. Fourth, ASEAN Shall Provide Humanitarian Assistance through the AHA Centre

46. If history is any guide, innocent people are often the ones who suffer the most from armed conflicts, and Myanmar is no different. As the incumbent Chair of ASEAN with the responsibility to implement the 5PC, Cambodia always makes unhindered delivery of humanitarian assistance to the people of Myanmar her top priority. For example, when Samdech Prime Minister visited Nay Pyi Taw in early January, he did not just come with a set of pertinent issues to discuss with Senior General Min Aung Hlaing, but he also brought medical supplies for Myanmar, including 3,200,00 masks, 30,000 PPE, 50 ventilators, 50 patient monitors, and 50 oxygen concentrators, and this does not include additional supports that came before and after his visit.
47. Since the beginning, the SEAC has emphasized that peace talk can take time, but saving life cannot wait. With the support from the Secretary-General of ASEAN and the AHA Centre, the SEAC has been working tirelessly on six humanitarian priories: (1) lobbying for access to heavily affected areas, (2) ensuring safety and security of humanitarian workers, (3) mobilizing sufficient resources, (4) engaging local and international partners to support the AHA Centre, (5) procuring as many vaccines as possible and (6) creating several frameworks for relevant stakeholders to work together.

D.1. Consultative Meeting On Humanitarian Assistance In Myanmar

48. On 06 May 2022, the SEAC and the Secretary-General of ASEAN co-chaired the Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar in Phnom Penh as part of Cambodia's overall efforts to advance the implementation of the 5PC. The Consultative Meeting was attended by Ms. Joyce Msuya, Assistant-Secretary General for Humanitarian Affairs and Deputy Emergency Relief Coordinator as well as high-level representatives from all ASEAN member states, Myanmar's Taskforce, United Nations Specialized Agencies, ASEAN External Partners, and relevant international organizations inside and outside of Myanmar. Despite major differences among participants, the SEAC managed to successfully conclude the Consultative Meeting with an agreement on two important frameworks, and strong commitments from the SAC to facilitate the works of the AHA Centre in Myanmar.

a. ASEAN Humanitarian Assistance Delivery Arrangement Framework

49. This Framework identified 7 regions and states including Kayah, Kayin, Magway, Sagaing, Bago, Rakhine and Shan for the first phase of the implementation. The AHA Centre as the primary coordinator will facilitate any request for access

through this delivery arrangement from ASEAN member countries, external partners and trusted international organizations. In addition, the AHA Centre will also propose a list of implementing partners such as local agencies, members of the AADMER Partnership Group, and international organizations. The Myanmar Task Force and the NSPNC are fully responsible to ensure that humanitarian assistance will be delivered to all affected communities including the EAOs' areas. Prior to the adoption of this crucial Framework, access was the biggest challenge, and the SAC only considered request for access on a case by case basis.

b. Framework For COVID-19 Vaccine Administration In Myanmar

50. This Framework will offer space for ASEAN member states, external partners, and international organizations to jointly administer COVID-19 vaccines to those most in need in a safe and timely manner, especially in hard-to-reach areas. Under this Framework, operational teams of 50:50 distribution between the SAC's Ministry of Health and partners will be deployed to administer vaccines in communities with low vaccination rate including the EAOs' areas, where internally displaced persons (IDP) camps locate. The AHA Centre and the SAC's Ministry of Health will identify and assess implementing partners, and they will jointly monitor and verify the administration of vaccines under this Framework as well.

c. Assisting The AHA Centre In Addressing Its Operational Challenges

51. The SEAC has also actively supported the AHA Centre to fulfil its mandate as tasked by the ASEAN leaders in implementing the Point 4 of the 5PC. During the Consultative Meeting, the SEAC pressed the SAC to provide full cooperation to the AHA Centre. In response, the Myanmar Task Force pledged to do its utmost ability to expedite the approval process for the delivery of humanitarian assistance. It also reassured that the safety and security of the ASEAN-ERAT team members, staffs of the AHA Centre and ASEAN Monitoring Team are its top priority. In addition, the Myanmar Task Force promised to offer supports to the ASEAN Monitoring Team to fulfil its role as outlined in the executive paper that was adopted at the 54th AMM in August 2021.

D.2. Joint Needs Assessment

52. When the SEAC met with the Myanmar Task Force during his working visits to Nay Pyi Taw, he never forgot to underscore the need to ensure that the Joint Needs Assessment has to reflect the actual situation on the ground, and urge the SAC to allow the AHA Centre to access areas that it has requested without disruption and delay including those under the control of the EAOs. The SEAC also warned that failing to complete the Joint Needs Assessment on schedule will negatively affect the implementation of the 5PC. Committed to engage relevant UN specialized agencies, the SEAC pressed the Myanmar Task Force multiple times until they agreed to allow two representatives from UN OCHA and WFP to join the AHA Centre in the conduct of the Joint Needs Assessment as observers.

D.3. Facilitating the Delivery of Humanitarian Assistance

53. The SEAC has been regularly requested by the ASEAN Secretariat and the AHA Centre to help facilitate the delivery of humanitarian assistance, especially when they face difficult obstacles. In response, the SEAC always conveyed the requests and concerns when he met the leadership of the SAC including Senior General Min Aung Hlaing. As a result, his strong and unwavering position on unhindered delivery of humanitarian assistance has always secured repeated assurance from the SAC in supporting and facilitating the works of the AHA Centre in Myanmar.

D.4. Supporting the Works of the United Nations Specialized Agencies

54. During the first working visit, the SEAC also took the chance to meet a group of United Nations Specialized Agencies to receive their updates and hear their views on what need to be done, in particular in the area of humanitarian assistance. At the end of the meeting, they requested the SEAC to help urge the SAC to facilitate their works. When the SEAC visited Nay Pyi Taw for the second time, he underlined the need to forge closer cooperation with the United Nations, and address the issues of renewing the registration and access to different parts of Myanmar.

D.5. Procuring Vaccines For Myanmar

55. Having the Framework for COVID-19 Vaccine Administration at his disposal, the SEAC has appealed to ASEAN member states, external partners and international organizations to donate vaccines to Myanmar. During the Consultative Meeting, the People's Republic of China was the first country to pledge 2 million doses of vaccines to be implemented under this Framework. On 06 August 2022, His Excellency Dr. A. K. Abdul Momen, M.P., the Honourable Foreign Minister of the People's Republic of Bangladesh wrote a letter to the SEAC, donating another one million doses of vaccines for the people of Myanmar.

E. Fifth, the Special Envoy and Delegation Shall Visit Myanmar to Meet with All Parties Concerned

E.1. Senior Representatives of the State Administrative Council

56. During both working visits, the SEAC met with Senior General Min Aung Hlaing, Chairman of the SAC and other senior representatives of the SAC including Foreign Minister His Excellency Wunna Maung Lwin, International Cooperation Minister His Excellency Ko Ko Hlaing, Health Minister His Excellency Dr. Thet Khaing Win, Social Welfare, Relief and Resettlement Minister Her Excellency Dr. Thet Thet Khine and Lieutenant General Yar Pyae, Chairman of the NSPNC. Furthermore, Senior Minister His Excellency Cham Prasidh, who has been tasked to assist the SEAC, also met with Planning and Finance Minister His Excellency Win Shein and Investment and Foreign Economic Relations Minister His Excellency Aung Naing Oo.

E.2. Ethnic Armed Organizations

57. On 01 July 2022, the SEAC met with 7 Ethnic Armed Organizations, which are also signatories to the Nationwide Ceasefire Agreement, in Nay Pyi Taw. These EAOs include Karen National Union/Karen National Liberation Army-Peace Council, Lahu Democratic Union, Arakan Liberation Party, Democratic Karen Benevolent Army, New Mon State Party, Pa-O National Liberation Organization and Restoration Council of Shan State. The SEAC also requested to meet with Chin National Front, All Burma Students' Democratic Front, and Democratic Karen Buddhist Army-Brigade 5, which were also signatories to the Nationwide Ceasefire Agreement, but the SAC rejected and accused them of supporting the NUG/PDF to fight the Tatmadaw.

E.3. Political Parties

58. On 02 July 2022 in Yangon, the SEAC was supposed to meet 8 political parties that won votes during the 2020 general election, but Wa National Party was not able to join due to travel difficulties, so only 7 of them were present. These political parties include Pa-O National Organization, Ta-ang National Party, Union Solidarity and Development Party, Zomi Congress for Democracy, Arakan National Party, Mon Unity Party and Arakan Front Party. He also met with the People's Party during his first working visit to Myanmar. Moreover, the SEAC also asked to meet with Shan National League for Democracy, Kaya State Democratic Party and Kachin State People's Party, but the arrangement could not be made because they have been under inspection by the Union Election Committee.

E.4. ASEAN External Partners

59. During the working visits, the SEAC always tried his best to also receive courtesy calls from ASEAN external partners in Myanmar including Australia, China, the European Union, France, India, Japan, and the United States. Furthermore, he also accommodated many requests from foreign delegates including ASEAN external partners to discuss about Myanmar and explore ways forward together when they paid official visits to Cambodia. While acknowledging the important contribution of external partners, the SEAC has consistently underscored the need for international supports for ASEAN's Centrality and ASEAN's leading role, and that the 5PC should be the primary anchor for any efforts to bring an end to the political crisis in Myanmar.

E.5. Special Envoy of the United Nations Secretary-General

60. The SEAC has also expressed support for the Special Envoy of the United Nations Secretary-General, Dr. Noeleen Heyzer, and even pledged to do his utmost ability to help her fulfil her mandate. Urging the SAC to allow her to visit Nay Pyi Taw was just one of many examples of his tireless efforts to promote cooperation with the United Nations. Despite being preoccupied with many urgent tasks, he also took every opportunity to meet with Dr. Noeleen Heyzer, either physically or

virtually, to exchange views, share experiences and explore solutions together, in particular in the area of humanitarian assistance.

E.6. United Nations Specialized Agencies

61. During the first working visit, the SEAC made his meeting with the United Nations Specialized Agencies as one of his top priorities, because he was committed to hear their views, especially the challenges they face and what need to be done to bring humanitarian assistance to those most in need in a timely manner. Among those that were present at the meeting with the SEAC include the UN Resident Coordinator and Humanitarian Coordinator ad interim in Myanmar, UN OCHA, WFP, UNDP, UNICEF, WHO and UNHCR. He also instructed his office to maintain regular and close contact with these UN agencies and more to ensure synergy and cooperation between ASEAN and the UN.

E.7. United Nation Security Council, Diplomatic Corps and the Media

62. Living true to his principle of complete transparency, the SEAC also spent a huge amount of time and energy to brief the United Nations Security Council on the situation in Myanmar twice on 28 January 2022 and on 27 May 2022 accordingly. During the briefings, the SEAC also attentively listened to the views, concerns and suggestions by members of the United Nations Security Council. The SEAC also reaffirmed his commitments to work closely with all relevant stakeholders to help Myanmar to restore peace and return to democratic path as soon as possible.

63. During both working visits, the SEAC always took the opportunity to share with ASEAN external partners the issues he discussed with his Myanmar's counterparts, and key outcomes of the meetings. Upon his return from Myanmar, he also briefed in detail the diplomatic corps, and local and international media about the issues he raised, the responses he got, the challenges he faced and the future steps he would take. Moreover, press releases and reports of the outcomes of the visits have also been made available online for the public, especially the people of Myanmar, to see and form their own judgements of the works of the SEAC.

VI. BUILDING AN ENABLING ENVIRONMENT FOR DIALOGUE PROCESS

A. THE CASE OF DAW AUNG SAN SUU KYI

64. Although Cambodia as the ASEAN Chair has never made a meeting between the SEAC and Daw Aung San Suu Kyi a precondition for a visit, this objective remains at the core of the country's approach to Myanmar. The demand to meet Daw Aung San Suu Kyi reflects Cambodia's fundamental belief that her strong support for peaceful settlement of the current political crisis will also draw opposition groups that have her as their leader including the NUG/PDF to participate in the process. Importantly, her non-violent approach is needed for Myanmar to heal the division and commence the national reconciliation.

65. Thus, when Samdech Prime Minister met with Senior General Min Aung Hlaing, he repeatedly requested the SAC to consider allowing the SEAC to speak with Daw Aung San Suu Kyi, but to no avail. During the working visits, the SEAC also recalled the request of Samdech Prime Minister, but Senior General Min Aung Hlaing simply said that it is not the right time yet, maybe the fourth or the fifth visit of the SEAC. Not being able to meet with Daw Aung San Suu Kyi has already presented a trust problem, but now putting her in prison creates an even bigger issue. After learning the news, the SEAC raised this issue to both Senior General Min Aung Hlaing and His Excellency Wunna Maung Lwin, but it was met with a complete silence.

B. THE RELEASE OF POLITICAL PRISONERS

66. Given deep animosity among Myanmar's concerned parties, Cambodia believes that releasing political prisoners, especially those who are now seriously sick, on humanitarian grounds will help build trust and confidence. During the visit and the two videoconferences, Samdech Prime Minister never forgot to raise this issue of political prisoners including foreigners with Senior General Min Aung Hlaing. Yet, the SAC has always been inflexible on this matter, pointing out that their legal proceedings are still ongoing.

67. After months of sustained efforts, when the SEAC paid the second working visit to Nay Pyi Taw, and he recalled Cambodia's request for the release of Professor Sean Turnell, Senior General Min Aung Hlaing unequivocally mentioned that his case will be positively considered upon the completion of the legal proceeding. Surprisingly, in the transcript of the meeting between Senior General Min Aung Hlaing and Dr. Noeleen Heyzer, the SAC seems to walk back on its promise by arguing that Professor Sean Turnell will face severe punishment. However, it is too early to make any credible conclusion.

C. WORKING WITH THE EAOs ON HUMANITARIAN ASSISTANCE

68. The SEAC is also of the view that if the SAC and the EAOs manage to put their differences aside and work together to save lives and to protect the well-being of their own people, then these conflicting parties will be able to gradually develop trust for one another. As a result, the SEAC thought that humanitarian assistance potentially offers a common ground for all the concerned parties to cooperate, and the Consultative Meeting and the adoption of key frameworks in May 2022 were just one example. Unfortunately, politicization of humanitarian assistance and the total absence of trust makes cooperation with clear benefits for Myanmar and her people impossible.

D. TRANSLATING PROMISES INTO ACTIONS IN THE IMPLEMENTATION OF THE 5PC

69. The building of trust among Myanmar's concerned parties is extremely important, but the SAC needs to maintain trust with its ASEAN fellow members as well. There is a deep dissatisfaction towards the SAC at the moment due to the lack of progress of the implementation of the 5PC. Some ASEAN member states accused the SAC of reneging on what Senior General Min Aung Hlaing already agreed at

the Summit in Jakarta. During his numerous meetings with senior representatives of the SAC, the SEAC consistently highlighted that Nay Pyi Taw needs to honour its promises, otherwise it will not be taken at its words. The execution of 4 anti-SAC individuals and the reversal of the decision to release Professor Sean Turnell are just two among many examples.

VII. CONCLUSION AND WAYS FORWARDS

70. With a fair and neutral assessment, it is undeniably clear that the SEAC has managed to achieve a number of important outcomes in the implementation of the 5PC. Of course, the SEAC also acknowledged that these five points have been progressing at an uneven pace and scale, and it was not due to the lack of efforts or commitments from ASEAN and Cambodia in particular. The SEAC has been investing a huge amount of energy and time, and even at the cost of personal health and safety to bring a peaceful end to the current crisis as long as there is a light at the end of the tunnel.

71. The main obstacle to the cessation of violence and the commencement of an inclusive dialogue is Myanmar itself. The conflicts between the Tatmadaw and the EAOs have been going on for more than seven decades now, and the political crisis in February 2021 has further exacerbated the current situation with the mushrooming of new armed groups such as the PDF. The prospect of a dialogue process depends on whether the SAC, the EAOs, the NUG and other political actors can reconcile their differences and arrive at an acceptable common ground. However, looking at preconditions put forward by each side makes any efforts to bring everyone to the negotiating table futile. If there is anything they can agree with one another, it is not the right time for talk yet. Sadly, all sides strongly believe that they can win this war.

72. Benefiting from numerous meetings and conversations with interlocutors inside and outside of Myanmar, and for the purpose of facilitating and supporting the works of the incoming Special Envoy of the ASEAN Chair, the SEAC would like to make eight-point recommendations for the consideration of the ASEAN member states. These recommendations have one and only aim, which is to ensure effective and full implementation of the 5PC, so that normalcy, peace and democracy can be returned to Myanmar and her people.

73. First, the 5PC sets out broad objectives that ASEAN wants to achieve in its efforts to help Myanmar, but it lacks operational meaning. What ASEAN needs to do may not be to revise the 5PC, but to devise it with an implementation plan that contain clear objectives, practical activities, appropriate indicators and specific timeline. It is also important to include what incentives that the implementing parties will get if they manage to meet the expected outcomes. Such implementation plan will allow member states to measure progress through scientific means, avoiding subjective and biased interpretations that may undermine the efforts to implement the 5PC. Further, member states have to wholeheartedly support such a unified approach, otherwise the ASEAN Chair and its SEAC will be powerless to help Myanmar.

74. Second, while ASEAN holds the SAC accountable to the implementation of the 5PC, the same treatment should also be applied to the EAOs, the NUG and other armed groups. For example, ASEAN has to continue to urge the SAC to exercise utmost restraint given the fact that it is the only one that has the biggest fighting power, but at the same, member states also need to urge other armed groups and require them to also exercise utmost restraint. The sad reality on the ground is that everyone has a share of responsibility in the loss of lives and the damage of public properties.

75. Third, the commencement of a dialogue process can only take place when there is a convergence of positions among Myanmar's concerned parties. What is happening at the moment is that they rejected the preconditions of one another. ASEAN should play a role to bridge instead of pushing one side to make excessive compromises just to get the buy-in from the other side, or to be politically correct in the face of public pressure. If ASEAN cannot make such a call, it will tie its own hands and will not be able to mediate between the concerned parties to end the conflicts.

76. Fourth, concerned parties need to be clearly identified and defined. For example, some member states want to solely focus on violence between the Tatmadaw and the PDFs, and they do not want to include the role of the EAOs in dialogue process, while others seem to equate all concerned parties to the NUG. It is important to note that thus far, Daw Aung San Suu Kyi and her party have not publicly endorsed the NUG yet, albeit having some former NLD ministers as its members. Of course, it is Cambodia's strong view that all concerned parties should refer to groups and individuals that have a stake in the peace process in an inclusive manner.

77. Fifth, restoring normal and full engagements with Myanmar should be based on the progress of the implementation of the 5PC, not on other factors that are outside this framework. The suggestion to link normalcy with legitimate government raises more questions than answers. For instance, what should a legitimate government look like? Who will determine its legitimacy? Will election be one of the answers? In fact, a few member states have voiced strong objection against any discussion about election, when the SEAC informed that the political parties and the EAOs he met believe that election is the only way to end the current crisis peacefully.

78. Sixth, the 5PC only outlined the role of the SEAC in visiting Myanmar and meeting all concerned parties, but when carrying out his mandate, the SEAC has been deeply involved in humanitarian works ranging from initiating a consultative meeting, proposing frameworks, facilitating the works of the AHA Centre, coordinating with the UN, procuring vaccines to mobilizing resources, among others. Importantly, the SEAC has also tirelessly worked to bring about cessation of violence through issuing strong statements, making numerous appeals for utmost restraint, urging all concerned parties to engage in ceasefire

dialogues, and advocating for peaceful settlement of disputes. Therefore, these roles and responsibilities should also be properly acknowledged in the 5PC or the implementation plan.

79. Seventh, the 5PC provided that the SEAC should meet with all concerned parties in Myanmar, but in the course of the implementation, it is very clear that achieving progress on the key priorities requires the SEAC to also engage with concerned parties beyond Myanmar. As a result, the SEAC extensively met and consulted with his fellow foreign ministers from across the world such as Australia, Canada, China, the European Union, France, Germany, New Zealand, the United Kingdom, the United States, and the list goes on. Such engagements should also be taken into consideration in order to ensure effective coordination and cooperation among all concerned parties inside and outside of Myanmar.

80. Eighth, given the magnitude and urgency of humanitarian needs in Myanmar, the Secretary-General of ASEAN in his capacity as ASEAN Humanitarian Assistance Coordinator and the AHA Centre should be empowered with an appropriate degree of autonomy for a specific period of time, so that they can have sufficient flexibility to engage with a wide range of stakeholders, collect inputs from diverse sources, explore the most effective ways to bring humanitarian assistance to those most in need, and mobilize resources from any willing partners.

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