

## **Open Letter to ASEAN Leaders: Move beyond the Five-Point Consensus to immediately address the crisis in Myanmar**

To:

H.E. Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, Prime Minister of Brunei

H.E Hun Sen, Prime Minister of Cambodia

H.E Joko Widodo, President of Indonesia

H.E Sonexay Siphandone, Prime Minister of Laos

H.E Anwar bin Ibrahim, Prime Minister of Malaysia

H.E Ferdinand Romualdez Marcos Jr, President of the Philippines

H.E Lee Hsien Loong, Prime Minister of Singapore

H.E Prayut Chan-o-cha, Prime Minister of Thailand

H.E. Pham Minh Chinh, Prime Minister of Vietnam

Your Excellencies,

We, the undersigned organisations, express grave concern over the lack of tangible actions from the Association of Southeast Asian Nations (ASEAN) in ending the crisis in Myanmar and in holding the Myanmar military junta—the perpetrator of numerous human rights violations—accountable for its horrendous actions. We call on the regional bloc to implement concrete measures immediately to address the crisis.

First of all, the 'Five-Point Consensus' (5PC) is a peace plan agreed upon between ASEAN leaders and Senior General Min Aung Hlaing, who has no legitimacy to represent the will of the people of Myanmar.

Second, the Myanmar military junta has completely disregarded the 5PC since its adoption: 1) immediate end to violence; 2) holding dialogue among all parties; 3) the appointment of a special envoy; 4) allowing humanitarian assistance by the ASEAN; 5) allowing an ASEAN special envoy visit Myanmar to meet with all parties.

To effectively address Myanmar's multifaceted crises, ASEAN must now review and revise the 5PC for effective implementation.

Two years after a meeting in Jakarta to forge the 5PC, the ASEAN has failed not only to hold the Myanmar junta to account for its commitment to the points agreed but also to unite its efforts and leadership in promoting peace, stability, and prosperity in Southeast Asia.

### **The Need for an Intervention**

In the absence of the ASEAN's intervention, the Myanmar junta for over two years has continuously refused to abide by the 5PC. Since its attempted coup, the junta has stepped up its atrocity crimes, including increasing the use of airstrikes against civilians.

The ASEAN's approach to the Myanmar crisis, including barring Myanmar's military junta from the bloc's summits as punishment for the lack of progress on the 5PC, has proven to be inadequate and ineffective. . Inaction on the crisis in Myanmar would only prolong the country's suffering and further embolden the junta to commit atrocity crimes.

We are extremely alarmed that the 5PC has failed to put a halt to the junta's atrocity crimes.

On 11 April 2023, a junta fighter jet dropped bombs on approximately 300 people— in the Pa Zi Gyi Village, Kanbalu Township of the Sagaing Region—who were attending an opening ceremony for the township's new People's Administration Team. The latter operates under the National Unity Government of Myanmar (NUG), established on the basis of the 2020 general elections, which the junta has illegally designated as a terrorist group. An Mi-35 helicopter opened fire on the area for 10 minutes shortly after the initial aerial bombardment. At least 168 people were killed, including 24 women and 40 children. At present, the number of casualties is still rising as the condition of injured survivors is on the decline. In addition, many of the victims were either crushed, dismembered, or burned beyond recognition.

The junta has increasingly used airstrikes as a strategy to cause significant damage and civilian casualties as it is losing to democratic forces on the ground. The military junta has carried out 734 airstrikes resulting in 356 civilian deaths between February 2021 and January 2023. So far in 2023, Myanmar had the highest number of civilian casualties by airstrike in the world. This represents a dramatic increase in the incidents of airstrikes and other military attacks on civilians.

This deadly airstrike—which was conducted only two weeks before the anniversary of the ASEAN's 5PC—is a reminder of the Myanmar junta's refusal to engage in meaningful dialogue and cooperation.

Following the attack, international officials—including those from the US State Department, United Nations Secretary-General António Guterres, and UN High Commissioner for Human Rights Volker Türk—expressed concern and condemnation.

Indonesia, through its ASEAN chairmanship, condemned the attack in a statement. Such statements, however, are powerless without any punitive action against the Myanmar junta that continues to commit war crimes and crimes against humanity with total impunity.

### **The Lack of Accountability**

The Myanmar junta must stop justifying its attacks.

The junta's latest attack signifies its refusal to comply with the UN Security Council Resolution 2669—passed in December 2022—which called for the immediate cessation of all forms of violence as well as restraint and the de-escalation of tensions in Myanmar.

Two weeks ago, the UN Human Rights Council unanimously adopted a resolution on Myanmar (A/HRC/52/32), condemning the junta's deliberate, widespread, indiscriminate, and disproportionate use of force against civilians. The resolution was adopted in the aftermath of two airstrikes in 2022: one that killed 11 schoolchildren, and another which killed more than 60 people during a concert. However, it is clear that the junta remains unresponsive to the resolution, as evidenced in their recent attack on the Pa Zi Gyi Village.

Meanwhile, the military junta continues to weaponize humanitarian aid for its own political and strategic advantages. It is vital that the distribution of humanitarian aid be made through local frontline humanitarian responders, including via local cross-border humanitarian, civil society and ethnic organisations, who are working tirelessly to ensure that aid reaches those who are most affected by the Myanmar military's ongoing atrocities. The military junta continues to be represented in the Governing Board of the ASEAN's humanitarian wing, the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre), allowing those that are the root cause of the humanitarian catastrophe to dictate the terms under which AHA Centre operates, which severely undermines

humanitarian principles of independence and impartiality which ASEAN should uphold.

In addition, ASEAN has yet to appoint a Special Envoy for Myanmar. Or at the very least, the ASEAN is yet to publicly disclose how it plans to approach this appointment as well as how civil society organisations are included in the process.

### **A Call to Action**

The Myanmar junta's blatant disregard for human life, the rule of law, and international peace and security shows its unwillingness to establish democracy in Myanmar. In the upcoming ASEAN Summit scheduled on the 9 - 11 May 2023, we urge the ASEAN leaders to do the following:

- Refrain from legitimising the military junta by cutting bilateral ties
- Immediately move away from the ASEAN Five-Point Consensus and create a more robust and tangible action to stop the military junta's violence and atrocity crimes
- Immediately organise a truly constructive and inclusive dialogue with all relevant stakeholders and parties, which should include the NUG as the democratically-elected government supported by the majority of the people of Myanmar, representatives of Ethnic Resistance Organisations (EROs) and Myanmar civil society
- Set up a clear mandate for the role of Special Envoy grounded in human rights principles, justice, and accountability. The role must be full-time, lasting more than one year, and the envoy must be accountable to ASEAN leaders and foreign ministers instead of the incumbent ASEAN Chair
- Ensure that the Special Envoy engages with all relevant key stakeholders, especially the NUG, the National Unity Consultative Council, the Committee Representing Pyidaungsu Hluttaw, and EROs, and not just the military junta.
- Work closely with the United Nations, particularly the Security Council and the Secretary General, in the attempt to resolve the crisis in Myanmar. The United Nations' experience and knowledge in dealing with conflict situations can help strengthen ASEAN's response.
- Specifically to the Government of Indonesia as Chair of ASEAN 2023, to facilitate the dialogue and to announce the appointment and arrangement of ASEAN Special Envoy for Myanmar immediately

We sincerely hope that these concrete actions, which are aligned with peoples' voices from the ground, will be heard and implemented in the upcoming Summit, to show ASEAN's accountability, credibility and effectiveness. As civil society organisations, we are ready to support and act in solidarity with ASEAN. Together, we will monitor the ASEAN Member States' commitments to restore democracy in Myanmar; protect the fundamental freedoms and human rights of all; and seek justice, transparency, and accountability.

Lastly, we are sincerely expressing our willingness to meet and discuss with ASEAN leaders during the upcoming ASEAN Summit in May 2023. We thank you for your time and attention.

Sincerely,

**Signatories:**

1. Ain o Salish Kendra (Bangladesh, ASK)
2. All Women's Action Society (Malaysia, AWAM)
3. ALTSEAN Burma
4. Asia Justice and Rights
5. Asian Forum for Human Rights and Development
6. Association of Human Rights Defenders and Promoters
7. Athan – Freedom of Expression Activist Organization
8. Cambodian Human Rights and Development Association (Cambodia, ADHOC)
9. Centre for Human Rights and Development (Mongolia, CHRD)
10. Commission for the Disappeared and Victims of Violence (KontraS)
11. Defense of Human Rights and Public Service Trust (Pakistan, DHR)
12. Dignity (Kazakhstan)
13. Equality Myanmar
14. Future Light Center
15. Grass-root People
16. Human Rights Educators Network
17. Human Rights Measurement Initiative Charitable Trust (HRMI)
18. Initiatives for International Dialogue
19. Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan, KIBHR)
20. Keng Tung Youth
21. Let's Help Each Other

22. Madaripur Legal Aid Association (Bangladesh, MLAA)
23. Maldivian Democracy Network (Maldives, MDN)
24. Metta Campaign Mandalay
25. Myanmar People Alliance (Shan State)
26. National Commission for Justice and Peace (Bangladesh, NCJP)
27. Network for Human Rights Documentation Burma (ND-Burma)
28. Odhikar (Bangladesh)
29. People's Solidarity for Participatory Democracy (South Korea, PSPD)
30. People's Watch (India)
31. Progressive Voice
32. Pusat Komnas (Malaysia)
33. Refugee and Migratory Movements Research Unit (Bangladesh, RMMU)
34. Save and Care Organization for Women at Ethnic Border Areas
35. Shan MATA
36. Southern Youth Development Organization
37. Tanintharyi MATA
38. The Awakening (Pakistan)
39. Think Centre (Singapore)
40. Women's Rehabilitation Centre (Nepal, WOREC)

### **About FORUM-ASIA:**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)

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