



POLICY BRIEF



The role of ASEAN in the Myanmar's post-coup crisis: Breaking the stalemate?

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Key Findings

- ▶ ASEAN's Five-Point Consensus (FPC) framework remains at the core of the international response to the political, humanitarian, and human rights crisis in Myanmar, triggered by the coup in February 2021. Two years since its unveiling, there has been little progress on any of the points agreed, including cessation of violence, delivery of humanitarian assistance, and facilitation of all-inclusive dialogue aimed at peaceful resolution to the Myanmar crisis.
- ▶ The Indonesian Chairmanship of ASEAN, with its strategy for quiet diplomacy, has raised expectations for a breakthrough to the current impasse. Notable strides have been made in 2023, with Indonesia establishing the ASEAN Chair's Office of Special Envoy to Myanmar to institutionalise its engagement, discretely reaching out to multiple and varied political constituencies in Myanmar, and connecting with other international partners like the European Union (EU).
- ▶ However, numerous challenges impede implementation of the FPC on the ground. For one, the FPC lacks granularity and practical pathways for implementation. Further, as repression and violence continue by the Myanmar military, and the intensity and scale of the armed revolution against the coup increases, violence has been normalised as a political tool, making discussions of cessation of violence or prospects of dialogue near impossible.
- ▶ In ASEAN, member states are divided in their understanding of ASEAN's mandate to address the crisis, which makes it challenging to have a coherent regional response. The crisis has put to the test ASEAN's fundamental principles of consensual decision-making and non-interference in the internal affairs of other member states.
- ▶ There is limited institutional capacity within ASEAN to consistently prioritize the Myanmar crisis and drive the FPC forward. While notable, the ASEAN Chair's Office of the Special Envoy is more an Indonesian initiative than an ASEAN one, leaving questions about the Office's legacy once the Chairmanship shifts to Laos in 2024.
- ▶ Challenges also remain in terms of engaging with all stakeholders. The level of fragmentation in Myanmar – with multiple and often competing parties, and evolving alliances and differences between them – makes it difficult for ASEAN to convene broadly. ASEAN is also seen to have little understanding of ethnic movements.

- ▶ ASEAN also faces competing claims of recognition by the military's State Administrative Council (SAC) and the National Unity Government (NUG), as well as the question of whether its engagement inadvertently confers legitimacy to any of the conflicting groups.
- ▶ There is recognition both within and outside of ASEAN that the crisis in Myanmar cannot be addressed by ASEAN alone. However, in the absence of effective institutions, and with different regional and other international actors seeking to pursue their own policies toward Myanmar, there are doubts about whether ASEAN can play a central coordinating role. Unilateral efforts by other actors may even undermine the progress that ASEAN has made so far.
- ▶ ASEAN's engagement on Myanmar is likely to shift and evolve with domestic elections in critical states like Thailand and Indonesia.
- ▶ ASEAN's engagement is also likely to be impacted by other international and regional efforts including bilateral, multilateral or localised dialogue and engagement mechanisms and practices, led by countries like China, India, Thailand, Japan, Russia, among others.

Introduction

The military coup in February 2021 derailed Myanmar's attempts to transition towards peace and democracy in Myanmar. Along with the political crisis, a humanitarian emergency has also emerged, marked by record displacement of people, and shortages of food and medicine – fuelled by the continued violent crackdown by the military, and the re-emergence of conflicts in different parts of the country. The opposition to the military, including the National Unity Government (NUG), the various ethnic armed/ resistance organisations' (EAOs/EROs), and the popular "revolution" – armed and non-violent Civil Disobedience Movement (CDM) – have gained ground despite facing many difficulties. However, despite the international community's call for an immediate stop to the violence and systematic human rights abuses, the military has increasingly relied on violence to assert control.

As the key regional body in Southeast Asia, ASEAN has been at the heart of the international effort to address this evolving crisis in Myanmar. In April 2021, ASEAN articulated the Five Point Consensus (FPC) as the policy framework to engage and address the crisis. The five points include an *immediate end to violence, holding dialogue among all parties, the appointment of a special envoy, allowing humanitarian assistance by ASEAN and allowing an ASEAN special envoy visit to Myanmar to meet with all parties*. Although the FPC has been the lynchpin of international response on Myanmar, there has been limited progress in getting the Myanmar military junta to abide by its terms. Further, the continued membership of Myanmar in ASEAN, as well as the ambiguity of the regional body regarding who it recognises as the legitimate government of Myanmar, has challenged the commitment of ASEAN to the core values enshrined in its charter: of democracy, rule of law, good governance, and human rights. This brief examines how ASEAN has engaged so far on the Myanmar crisis, and also outlines key challenges and opportunities for future engagement.

This policy brief is informed by research-praxis Study Group on Myanmar, led by the Peace and Conflict Resolution Evidence Platform (PeaceRep), University of Edinburgh on February 16, 2023. A session on *Indonesian Chairmanship and role of ASEAN in the Myanmar Crisis: Breaking the Stalemate* was organised as a part of the Study Group process.

The Study Group provides a forum for domestic and international supporters of Myanmar to come together and deliberate on key issues facing Myanmar, with a view to update and promote a shared understanding of the crisis in the rapidly evolving post-coup context of Myanmar. Alongside the discussion at the Study Group session, which was conducted under Chatham House rules, this policy brief relies on key interviews with different regional and domestic stakeholders and experts on ASEAN's role in the Myanmar's post-coup crisis.

The remainder of this policy brief proceeds in three sections. First, a brief historic situating of ASEAN's engagement with Myanmar. Second, an assessment of ASEAN's engagement in the post-coup crisis through the FPC framework. Third, an assessment of the challenges ASEAN faces in implementing the FPC.

ASEAN and Myanmar: The Historic Context

The significance of ASEAN engagement through the FPC lies in its unique role as a middle-ground between the West and other non-ASEAN regional states. While Western states have imposed sanctions, offered humanitarian aid and taken a strong rhetorical position opposing the coup, varied regional states including China, India and Japan have not explicitly recognised the coup but continued to engage with the military-led SAC regime for various strategic reasons (Marciel 2022). Meanwhile, the limited support and engagement by Western states to address the fallout of the crisis, owing to factors like the preoccupation with Ukraine war, and even deference to ASEAN, has left the FPC as the key international proposal to address the crisis (Farrelly and Simpson 2023). Therefore, much expectation is placed on the FPC, and disappointment in ASEAN is often expressed due to its failure to shift the gears of response to the crisis.

In order to understand ASEAN's ability to engage with Myanmar, it is important to consider the history of ASEAN's relationship with Myanmar, and the normative architecture that sustains ASEAN's engagement in political crises in the region. ASEAN has been the most successful regional organisation in the developing world at fostering peace and stability in the region. Since its establishment in 1967, ASEAN has resolved inter-state disputes through institutional mechanisms, and spurred economic growth and social development through intra-regional cooperation. This is largely due to ASEAN's commitment to norms such as sovereignty, equality, non-interference in the internal affairs of one another, the settlement of difference or disputes by peaceful means and effective co-operation (Emmers 2017). These norms are encoded into institutional mechanisms like the Bangkok Declaration of 1967, the ASEAN Concord and the Treaty of Amity and Cooperation in Southeast Asia. Any assessment of ASEAN's ability to engage with Myanmar must take this history and institutional framework into account.

Non-interference is considered the core norm underpinning ASEAN regionalism (Acharya 2013). Indeed, ASEAN has been effective at minimizing inter-state conflicts through building interpersonal trust rather than resorting to formal legal mechanisms. Members states avoid relying on ASEAN institutions and are instead seen to perceive that states have the capacity to manage their domestic issues themselves (Suzuki 2019; Jones 2010; Thompson and Chong 2020). However, non-interference has also prevented ASEAN from effectively intervening in intrastate conflicts considered to be "domestic" issues (Thompson and Chong 2020).

For over two decades, the principle of non-interference has been blamed for buoying authoritarian states, overlooking human rights and democratic deficits, and preventing ASEAN from confronting important regional problems (Rahim 2008). Factors such as increased international scrutiny over human rights violations in intra-state conflicts in the region, and the spillover effect of such conflicts, has created an impetus for ASEAN to devise more effective strategies to act and adapt its stance on non-interference (Oishi 2016). Here, while ASEAN countries have "supported" each other with regards to resolving intra-state conflicts, including the Malaysian government's facilitation of a meeting between the Thai government and leaders of Mara Patani, insurgents in Southern Thailand, it has been bilateral rather than a regional endeavour led by ASEAN (Palatino 2016).

Yet other scholars have contended that while the narrative of "non-interference" has remained rigidly sacrosanct in ASEAN's official documents, in practice it has not always been absolute, and has been deployed pragmatically (Severino 2006). ASEAN's historic engagement with Myanmar does provide evidence of some form of intervention. Myanmar joined ASEAN in 1997, around a decade after Myanmar came under international scrutiny for stifling the democratic movements of the late 1980s, with accompanying Western condemnation and sanctions through the 1990s. Since joining, Myanmar's internal record on human rights and democracy has complicated its relationship with ASEAN many times. In 2005, due to its human rights controversy and criticisms from the West, Myanmar was pressured to forfeit its turn at chairmanship under ASEAN's rotational rules (Sun 2014). Myanmar's repeated failure to abide by ASEAN's call to engage with all groups, work towards democratic transition and work closely with the United Nations (UN), had until 2011 created deep frustration within the bloc (Haacke 2008). However, unlike Western states, ASEAN with its policy of "constructive engagement" continued to engage military-led governments. This engagement was underpinned by the belief that 'promoting trade, diplomatic, and economic ties with the regime, would lead to socioeconomic progress and eventually political liberalization' (McCarthy 2008).

Strikingly, ASEAN does not have a formal mechanism to deal with internal political crises. According to the ASEAN Charter, it is the responsibility of the ASEAN Summit to “address emergency situations affecting ASEAN by taking appropriate actions” (Article 7(2d)). However, before the Summit takes place, the Foreign Ministers, acting as the ASEAN Coordinating Council (ACC), are tasked to, “prepare the meetings of the ASEAN Summit” (Article 8(2a)) and later to “coordinate the implementation of agreements and decisions of the ASEAN Summit” (Article 8(2b)). In practice, this means that Ministers first hold an emergency retreat to discuss the issue and then later follow up on the leaders' decisions.

However, it is important to note that domestic political crises are a highly sensitive issues within ASEAN, and that this mechanism cannot be relied on for immediate responses to urgent crises, like the one in Myanmar. Consensus also remains the only method for decision-making within ASEAN. When there is a lack of political willingness among member states to address such issues, it becomes challenging for ASEAN to offer swift and decisive action on internal political crises. This was evident in the Myanmar crisis, where it took more than two months for the Special Leaders' Meeting to be held on 24 April 2021. Nonetheless, there is some hope as the leaders have recognised the Recommendations on Strengthening ASEAN's Capacity and Institutional Effectiveness, which were made by the High-Level Task Force (HLTF) in the recent 42nd ASEAN Summit. Included in these recommendations are guidance on how to strengthen the decision-making process within ASEAN, particularly where consensus cannot be achieved where the matter requires an urgent and immediate response.

ASEAN's Engagement in Post-coup Myanmar

Since its unveiling in April 2021, ASEAN has made an effort on each of the five points but these endeavours have yet to deliver anything substantive. By ASEAN'S own admission, the ASEAN Foreign Ministers in October and November 2022 acknowledged the limited progress on FPC. Critics have observed ASEAN's approach to be insufficient (Hunt 2022) and of inadvertently conferring a degree of legitimacy on the military junta (Marciel 2022). Some have even called for the FPC to be scrapped and replaced by a more dynamic policy (Neelakantan 2022). However, the FPC is seen within ASEAN as "the least common denominator" among member states; one that can mediate the differences between states like Indonesia that call for a more interventionist approach, with others who would resist anything more intrusive.¹ Indeed, getting to FPC was itself challenging, requiring the use of diplomatic and political levers by ASEAN. Scrapping it might risk any credible future policy at all.²

We next assess key developments in each of the five points.

Calling for an immediate stop to violence: Despite ASEAN's repeated calls for all parties to stop violence, violence and repression in Myanmar has increased. Faced with an increasingly strong and broad opposition, including, People's Defence Forces, various Local Defence Forces, and a host of EAOs, the military's only strategy to regain control has been violence (Hein 2022b). The extreme repression unleashed by the military to reign control has seen Myanmar spiralling into violence, with 3,000 people killed, record levels of displacement of over 1.5 million people, shortages of food and medicine, and resumption of armed conflicts in various parts, including the Bamar-dominated areas which had witnessed little armed conflict for several decades (Amnesty International 2023; Hein 2022a).

Appointment of Special Envoys: Since 2021, two Chair's Special Envoys (SEs) have been appointed. Little was achieved under the Brunei chairmanship. There was an attempt to cease the violence, but to no avail. Under the Cambodian chairmanship most efforts focused on negotiating access for humanitarian assistance, whilst also putting some pressure on the military to reduce violence through partial engagement.

Cambodian engagement with the SAC initially looked optimistic, given its own experience of dealing with internal conflict. Over time, however, it has become evident that the junta had co-opted the process. The SAC regime have ignored ASEAN's requests in some instances, including meeting opposition democratic leaders and also halting executions of democratic activists. Moreover, the regime has also described the FPC as a roadmap foisted on Myanmar in a "one-sided manner by ASEAN leaders" and has claimed that some states are interfering in the country's domestic affairs (The Irrawaddy 2022b).

Humanitarian Assistance: In early January 2022, the delegation of Chair's SE, Secretary-General of ASEAN, and a representative from AHA Centre had an initial visit and met with the Myanmar National Task Force for Humanitarian Assistance, Myanmar Red Cross, and relevant UN specialized agencies to discuss provision of the Covid-19 vaccine along with humanitarian assistance. Following this, in May 2022, the Special Envoy together with the ASEAN Secretary-General co-chaired the Consultative Meeting on ASEAN Humanitarian Assistance to Myanmar, which resulted in the vaccine distribution and humanitarian assistance delivery arrangement framework. While ASEAN claimed that a joint needs assessment was done, it was clear that the process was not inclusive. For instance, Prak Sokhonn, the Cambodian Foreign Minister who served as the Chair's Special Envoy, did not meet with NUG and representatives of armed ethnic groups (Chongkittavorn 2022). Moreover, the fact that the AHA Centre is not equipped to operate in an internal crisis akin to civil war, where political legitimacy of the ruling institution is being questioned, points to a more fundamental institutional challenge. The AHA Centre was established to deliver assistance in situations of natural disasters, such as the tsunami in the Southeast Asia region of late 2004. Thus, AHA operates based on the principle of consent from the legitimate government, which also takes part in decision-making processes around aid delivery (Kamal 2021). In the context of political fragmentation and competing claims of legitimacy in Myanmar, AHA's continued engagement with the junta's representation runs the risk of being co-opted by the military and compromising its ethics of impartiality.

Such limitations have ensured that ASEAN has yet to chart out a clear pathway to deliver humanitarian assistance. While the previous effort by Cambodia to work with the SAC's National Task Force is not acceptable to the resistance movement in Myanmar, the idea proposed by NUG to ask local-aid providers to complement the AHA Centre-led effort is also not infeasible in all areas, and would need security-related measures by bordering states, as it runs the risk of being targeted by the junta (Adelina 2022).

Allowing an ASEAN special envoy visit to Myanmar to meet with all parties: Repeated requests have been made by ASEAN to allow its Envoy to meet with the leader of the opposition, Daw Aung San Suu Kyi, and others currently under arrest. However, the SAC regime has categorically rebuffed the request (The Irrawaddy 2022a). Furthermore, ASEAN's requests on other issues have also been rejected, revealing a gap in ASEAN's leverage over the SAC. Shortly before the ASEAN Foreign Ministers Meeting in early August, Hun Sen, the Cambodian Chair, appealed to the junta not to execute four political activists. His request was rejected, and the State Administrative Council (SAC) executed the activists around a week before the ASEAN Foreign Ministers Meeting in August 2022.

Holding inclusive dialogue: ASEAN's approach has emphasized dialogue amongst all parties, yet it is necessary to assess whether the time is "ripe" for such discussion. The NUG and other anti-military opposition have explicitly declined to engage in dialogue with the military (The Irrawaddy 2022c). Rather the NUG and the anti-military groups express concerns that such "dialogue" attempts might inadvertently offer legitimacy to the junta and infer to them some form of recognition as "representative of the people of Myanmar." However, there are emerging voices within EAOs expressing the need for exploring future dialogue options within the anti-military opposition, but also with segments of the SAC. Appetite for discussion will depend upon critical questions such as whether dialogue preconditions (such as: the immediate cessation of violence and the release of political prisoners) can be monitored, who will provide guarantees for this process, who will be involved (some segments of the opposition argue that dialogue would not be acceptable or possible under the current military chief Min Aung Hlaing), and what issues the dialogue process will commit to.³

On dialogue, the Indonesian chairmanship in ASEAN in 2023 has raised expectations, both from Myanmar stakeholders and the international community. Along with EAOs, democratic opposition, and civil society groups, the Indonesian chairmanship will also seek to bring the perspectives and voices of Rohingyas into any future dialogue process.⁴ Indonesia has announced the establishment of the ASEAN Chair's Office of the Special Envoy to undertake the task of engaging with all stakeholders to facilitate dialogue. This new office will assist the office of the Foreign Ministers with activities to create an atmosphere of inclusive dialogue. So far engagement with all stakeholders has been private and behind closed doors but there are calls to bring these dialogues into the open.

The inability of the Indonesian Chairmanship to push through a credible solution raises the stakes for the region. There are concerns over the potential disintegration of Myanmar into a failed state, and its implication for regional security. Such an outcome would cast doubt on the legitimacy of the organisation. Another possible consequence discussed is that the region may become a site of contestation for global powers, with potentially devastating consequences.

Challenges in Implementing the FPC

The complexity of the crises in Myanmar primarily stems from domestic developments and is likely to test the effectiveness of any international policy framework. Pushing the FPC further is hindered by certain challenges intrinsic to ASEAN and its institutional framework. These range from differences among ASEAN's members on their understanding of ASEAN's mandate on Myanmar, legal challenges of "recognition" brought by Myanmar's internal fragmentation and absence of institutions to prioritise practical delivery of FPC, among others.

Differing interpretation of its mandate in post-coup Myanmar

Differences among ASEAN members on Myanmar, as mentioned earlier, have historic precedence and are not new. These differences have persisted during the recent post-coup crisis in Myanmar, with member states interpreting ASEAN's mandate on Myanmar in varying ways.

Certain member states like Indonesia, Malaysia and Singapore believe that ASEAN has a responsibility to go beyond delivering humanitarian assistance and stopping violence. From their perspective, ASEAN should also lay the groundwork to restore democracy in the country. In their view, ASEAN's actions regarding Myanmar are not seen as intervention, but rather a mode of engagement aimed at managing a regional crisis and preventing potential regional instability. Other member states, like Cambodia and Thailand, have adopted a more limited mode of engagement. Their focus on stability and the delivery of humanitarian assistance has led them to engage more closely with the military, which they view as a source of stability. There are also some others still that are indifferent, considering it an internal affair for Myanmar with the potential to divert ASEAN's energy and attention from other equally important regional issues.

Differing interpretations of ASEAN's mandate have led to different forms of engagement by individual member states, impacting the potential for a unified ASEAN-led initiative. Thailand, for instance, organised an informal ASEAN Foreign Minister meeting with the SAC on 22nd December 2022. The meeting was attended by Foreign Ministers from Laos, Cambodia and Vietnam.⁵

Soon after the Royal Thai Armed Forces met with Myanmar's military chief on 19th January 2023 in Rakhine state to discuss military cooperation between the countries. Indonesia, in its role as the Chairman this year, has in turn, engaged with the NUG discreetly. A Senior Indonesian official confirmed that engagement with all stakeholders in Myanmar would certainly include NUG.⁶ Malaysia has formally engaged with the NUG, and independent voices like that of the Malaysian Foreign Minister Saifuddin Abdullah have encouraged other ASEAN members to do the same.⁷ Such distinct bilateral initiatives by ASEAN member states has risked weakening the potential of a unified regional approach.

Understanding and dealing with the “fragmentation” of Myanmar

ASEAN has walked a diplomatic tight rope in engaging with varied and competing constituencies in Myanmar; notably the NUG, SAC, and a host of EAOs. While the crisis in Myanmar involves multiple actors, many are new, including new EAOs, a host of Local/ People Defence Force. There are also new and varying alignments between these actors. Against this backdrop, ASEAN's engagement is largely perceived to be focused on the NUG and SAC. There is a growing recognition within policy circles in Southeast Asia that ASEAN lacks sufficient knowledge about all relevant stakeholders and the possible pathways of engaging with them. This limited knowledge and engagement about domestic stakeholders make FPC's “broad-based” engagement challenging in practice. Further, with the resistance movement comprising multiple credible groups with varying levels of autonomy and varying relationships with the NUG, this raises doubts with policy circles in the region as to whether they can all be represented by the NUG. Similarly, there is limited understanding within ASEAN, and more widely, on the Tatmadaw: how it functions, who can influence it, and what have been the patterns of change within the organisation since the coup. In particular, there are questions about the willingness of segments of the military or military-affiliated “think-tanks” and groups to participate in broader ASEAN-led discussions aimed at exploring pathways to ending violence. Relatedly, there are also questions about how best to fit the multiple EAOs within the need to “engage all-sides” framework that FPC espouses.

Different EAOs, in turn, see that ASEAN representatives and even member states have very little understanding of their movements, and rarely factoring them in the wider context of resolving the Myanmar crisis.⁸ EAOs, accordingly, have launched and taken various delegations to different ASEAN member states to share their perspectives.⁹ There is also an acknowledgement that EAOs and others involved in the resistance movement need to be able to understand ASEAN-led processes and how they could be involved. There have also been concerns within some ASEAN members that the issue of Rohingya refugees is being side-lined within wider discussion on post-coup political developments. The Indonesian Chairmanship of ASEAN is likely to prioritise the issue, in part due to its membership of the Organisation of Islamic Cooperation, which has been championing the rights of Rohingya Muslims in Myanmar.

Given the fragmented situation in Myanmar, establishing trust among stakeholders is crucial before formal dialogue can take place. The Indonesian chairmanship holds the potential to bring domestic stakeholder together and to create opportunities for discussions, given its influence in the region. However, ASEAN wants the SAC to be part of the solution. With the SAC and NUG not ready for talks, any engagement by ASEAN with the SAC is seen as excluding the NUC, complicating modalities of “inclusive dialogue” promised by the FPC. The absence of trust between competing domestic groups is further exacerbated by past attempts at dialogue in Myanmar, where the military has conducted dialogue from a position of power and advantage.

Situating FPC within ‘fragmented’ nature of international support

Within and outside ASEAN, there is a growing realisation that ASEAN alone cannot resolve the fallout of the post-coup crisis. International Western partners as well as regional states like India and China, have expressed their support for ASEAN’s FPC. The Indonesian Chairmanship has been proactive in reaching out to the UN and the EU, among others, with a view to coordinating international engagement in post-coup Myanmar. However, the granularity of how ASEAN plans to engage and coordinate with these actors remains to be discussed. Questions around thematic areas where international actors, many of them with a history of supporting peace and democracy in Myanmar, can coordinate and pull institutional strengths together needs examining.

The engagement of ASEAN has been further challenged by the multiple and often competing forms of international engagement, where different international actors, operating within and outside the UN system, have sought to address the crisis. While international actors have articulated their support for the FPC, many of these states have continued with bilateral, multilateral, or localised engagement or even dialogue processes questioning ASEAN's leadership in the crisis, creating coordination challenges. ASEAN's ability to deliver on the FPC also hinges on some aspects beyond its scope, such as the blurring of lines between economic, military, and developmental engagement by countries like Russia and China. In this context, Myanmar is emblematic of a broader trend in which a proliferation of international actors are increasingly supporting post-conflict transitions; bringing with them diverse norms and modalities of engagement (Peter and Rice 2022).

At a multilateral level, Russia and China are also playing an important role in restricting the ability of ASEAN to rely on UN mechanisms. In December 2022, after prior vetoes, the UN Security Council adopted Resolution 2669 which, 'called for the immediate end to all forms of violence in Myanmar and urged restraint, the de-escalation of tensions and the release of all prisoners'. Abstentions from Russia, India and China had paved the way for this Resolution. However, with regards to the Resolution, China and Russia, both permanent members of the security council, argued that the text was not balanced and stressed that unilateral restrictive measures may be counterproductive highlighting the discomfort of both countries in engaging more deeply to address the crisis. More broadly, the primary focus of the UN has been to impose sanctions on Myanmar. Yet these measures have been relatively ineffective given that Russia and China have provided military, diplomatic and economic support to Myanmar. Further, while the UN Security Council Resolution 2669 is a significant development, there is still uncertainty in how to translate the resolution into a concrete action plan.

Bilateral engagement further complicates the contemporary context. For example, China has provided military spaces for regional engagement, and offered de facto regional recognition, through regional forums like the Lancang Mekong Corporation Forum, where Mekong countries have been encouraged to deepen ties with the military regime. Moreover, during the ASEAN-China Foreign Ministers' Meeting on June 1, 2021, Chinese Foreign Minister Wang Yi reiterated China's support for ASEAN but also urged 'all parties in Myanmar to engage in political dialogue within the constitutional and legal framework and restart the process of democratic transformation'.

Any dialogue based on the 2008 constitutional framework is unlikely to be acceptable to the NUG, and thus might render ASEAN's focus on dialogue futile. Further, China has continued to engage with the EAOs based in the Northern Myanmar-China borderlands and advocated for their negotiation with the SAC. To ensure cross-border security and stability for its economic investments, China has also advocated against the operation of resistance forces in their territories¹⁰ which has a direct bearing on ASEAN's ability to reach all groups within Myanmar, as well as their receptivity to an ASEAN-led process.

Similarly, since November 2020, a Japan-led process stewarded by Mr. Yohei Sasakawa has played a role in facilitating and sustaining an informal ceasefire between Arakan Army and Tatmadaw, which resulted in the 2020 general elections. Likewise, India, although claiming "neutrality", is perceived to be increasingly more supportive toward the junta, possibly due to the need to balance the influence of China. Major concerns have been raised about India's continuation of arms sales to the Myanmar military, as such supplies may enhance repression against the resistance movement.¹¹ Yet other regional states have taken the initiative to conduct Track 1.5 meetings to bring relevant parties together. Such an initiative was convened by Thailand in March 2023 and [India](#) in April 2023. The meetings were attended by Myanmar, Thailand, India, Bangladesh, China and Laos. The absence of formal representatives from Indonesia and Singapore for both of these initiatives suggests a lack of enthusiasm among ASEAN states considered more progressive in their response to the Myanmar crisis. It remains unclear why Indonesia, which has adopted a "quiet diplomacy" approach, has not initiated closer coordination with these frontline states.

Such developments highlight the emergence of 'multi-mediation' process, where localised dialogue processes are being supported by distinct international actors. It also underlines the leverage regional actors have over the military and distinct sets of EAOs. Such leverage, and how it gets used can either help or hinder ASEAN's attempts to pressure the junta into ceasing violence against civilians. Any ASEAN-led process will need to appraise how and in what ways such initiatives complement those of the regional organisation. This is pertinent as close neighbours and regional partners are already engaging different actors, continuing with existing cooperation based on investments and security, and bringing in different sets of interests that intersect with what the FPC seeks to achieve in complex ways.

Representation of Myanmar at the international level

ASEAN's engagement in Myanmar has struggled with the question of how to engage without explicitly or implicitly recognising or legitimizing any particular group. ASEAN has been conscious of *accidental legitimation-through-interaction*. Post-coup, the NUG and SAC have made competing claims for recognition as the "legitimate authority" to represent the state of Myanmar. ASEAN has not explicitly recognised either the SAC or the NUG as representing Myanmar at the international level (Lin and Thuzar 2021), and as a result, it does not currently invite any political representative for any high-level ASEAN meetings. However, there has been criticism that by inviting the military junta to some forums at the beginning of the crisis without inviting the NUG, ASEAN implicitly recognized and legitimized the SAC.

With the prioritisation of engagement with "all stakeholders" at the heart of the Indonesian Chairmanship, the question of recognition is likely to come to the fore. The Indonesian Foreign Minister has emphasized that engagement with all stakeholders in Myanmar should be understood within the context of implementing FPC rather than an indication of giving recognition or legitimacy to any of the conflicting parties. However, ASEAN remains divided between those who advocate for maintaining the non-political representative in ASEAN high-level meetings and others who suggest that the crisis is an internal problem for Myanmar in which ASEAN's engagement should be limited, and that Myanmar should be brought back in for ASEAN "unity."

In terms of institutional arrangements, the ASEAN Coordinating Council has been tasked with reviewing Myanmar's representation in ASEAN. Questions of recognition were so central that the Decisions and Review on the Implementation of FPC 2022 delegated the ASEAN Coordinating Council to, "[further review Myanmar's representation at ASEAN meetings, if the situation so requires.](#)" Such a clause, some argue, positively opens the possibility for ASEAN to include "non-political" representation to all meeting levels, thereby putting more pressure on the junta. However, any firm action on recognition will again depend on the political willingness, decisiveness and most importantly consensus among the member states.

Limited institutional capacity

The successful implementation of the FPC requires adequate institutional capacity, financial capital and diplomatic commitment. There is a realisation that there is currently a lack of institutional capacity and prioritization to facilitate the necessary meetings, consultations, and actions necessary to implement the FPC. For instance, the AHA Centre, which primarily focuses on disaster management, is considered unsuitable for the complex humanitarian crisis in Myanmar.

The establishment of the Office of the Special Envoy by Indonesia has been viewed as a potentially promising development. To a certain extent, its institutional approach has been compared by many within and outside the region to the Office of the UN Special Envoy. However, there are uncertainties regarding the continuity of this Office after Indonesia's chairmanship. The Office has been established by, and so far only received the mandate from, the Indonesian Foreign Minister. There has been no clear indication hitherto that Indonesia is going to push this mechanism to be adopted as ASEAN's. It is likely that ASEAN will continue with the mechanism of Chair's Special Envoy, as mandated in the Five-Point Consensus. There is no clear intention from the ASEAN Member States to institutionalize its effort beyond the one-year chairing term, raising concerns that Myanmar will be continuously treated as "burning ball" to be passed on to the next Chair over time.

Other proposals to fill this institutional vacuum have been floated. During the Cambodian Chairmanship, a proposal was made in January 2022 to create a Troika, comprising of past, present, and future ASEAN chairs, which could be a basis for an ASEAN Office on Myanmar. The idea was immediately discussed with member states and vetoed, as members were wary that as the office would require a physical presence in Myanmar it would be seen as too interventionist and would attract opposition from the military junta. Another framework that has been suggested to mainstream and prioritise the Myanmar crisis within ASEAN's broader work is to revive the Jakarta Informal Meeting I (1988) and II (1989). This longstanding Indonesian initiative, which was previously employed by the late Indonesian Foreign Minister Ali Alatas during the Cambodian peace process during the late 1980s, involves an informal meeting format which successfully helped to mitigate differences among the conflicting factions and contributed to support for the Paris Peace Agreement in 1991 (Prasad 2017).

While institutional innovation like the Office of the Special Envoy or the setting up of informal meetings on Myanmar by certain ASEAN member are significant, these have been acutely slow. Meanwhile, new developments in Myanmar are outpacing ASEAN institutional development to promote the FPC. For one, there is a strong indication that the military will proceed with the election in Myanmar in 2023. Yet new laws, including the need to secure 100,000 members within 90 days of registration and an increased funding threshold of 100 million Myanmar kyat (\$45,500) to be deposited with the state-owned Myanmar Economic Bank, effectively exclude almost political parties except the military's own party from participating (Wong 2023). How ASEAN intends to advise and engage on the proposed elections is yet to be determined and discussed.

Domestic elections in ASEAN countries and the impact on the Myanmar crisis

Another challenge that the FPC will need to confront is the changing domestic landscape and priorities within member states. With domestic elections upcoming in member states, like Indonesia and Thailand, attention is likely to shift away from Myanmar, as newly elected leaders typically focus on domestic issues. Moreover, there is a certain degree of anxiety within ASEAN states about the Myanmar crisis dominating the agenda. Indonesian representatives have stated from the outset that Myanmar will not be the only priority agenda for the Chairmanship. There is also growing recognition that achieving a peaceful resolution and supporting nation-building in Myanmar will be a long-term process. This realization also raises concerns that as time passes, the momentum and urgency to address the crisis might diminish. However, recent electoral shifts in countries like Thailand may lead to progress. For instance, the liberal Move Forward Party, whose leader previously critiqued Thailand's policy toward neighbouring Myanmar, won the recent election. This may bring about a change to Thailand's engagement with the Myanmar crisis.

In addition, Myanmar's own planned election in 2023 is likely to divide ASEAN. The regional organization may face pressure to legitimate the process by providing observers from ASEAN countries and responding to the election results. This situation is likely to pose challenges and disagreements among ASEAN member states.

Opportunities and Next Steps: Shifting Gears on the Crisis?

Despite the lack of progress in implementing the FPC, it remains ASEAN's only legitimate source of power for its role in Myanmar. The fundamental question now is how ASEAN will move forward with the FPC, meet expectations, and work coherently to address the crisis.

The recent Indonesian Chairmanship, and the accompanying confidence and expectations on it, presents an unprecedented opportunity to engage with all stakeholders and lay the basis for a sustainable future. While the FPC remains a bedrock, from the Indonesian perspective there are at least three approaches to break through the impasse: (i) adopting a fresh approach to the Myanmar crisis by seeking to engage with all stakeholders and encouraging member states to be more open; (ii) building the necessary conditions for inclusive dialogue; and lastly (iii) fostering synergies with international community efforts, particularly neighbouring countries and the UN. The initial steps taken so far, though in their early stages, hold promise and need to be built upon.

- ▶ The Indonesian Chairmanship's overt commitment to increased and inclusive engagement, and non-use of sanctions, may potentially persuade various sides involved in the Myanmar crisis to come to the negotiating table in due course. Already, Indonesia's "quiet diplomacy" is claimed to have reached out to more stakeholders in an effort to push for implementation of the FPC. Three months into the Indonesian Chairmanship, the Indonesian Foreign Minister's statement mentioned that engagement with stakeholders has intensified, although there was no specific mention of who was included. Although there have been serious criticism of using the AHA Centre mechanism for the distribution of humanitarian assistance, Indonesia has claimed success in facilitating consultations between the AHA Centre and certain stakeholders to gain access for its on-ground operation. Furthermore, for the first time, [Indonesia has taken the initiative to meet with other Special Envoys, including from the United Nations, European Union, and China](#). Nonetheless, it remains to be seen to what extent these efforts will bear fruit avoid normalization of the junta's rule.
- ▶ Broadening this engagement to "other" stakeholders: the NUG, the National Unity Consultative Council (NUCC), political parties, and ethnic groups could help increase both the reach and credibility of ASEAN's approach. The intensification of ASEAN's communications and engagements with relevant countries to put pressure on the junta is an added step that could revitalise the FPC.

- ▶ Indonesia has already reached out to international partners. What is now needed is a plan for a robust "division of labour" – explicitly outlining where and in what ways different international partners can support ASEAN's effort. A comprehensive strategy, jointly agreed on by the Indonesian leadership along with the international community, might also enable a more collaborative approach to dealing with the Myanmar crisis. The ASEAN Envoy could lead a multi-country international forum to discuss how different partners could be brought on board to take the FPC forward.
- ▶ The international community, in turn, would then need to carefully consider how and in which ways it can assist in finding solutions to the Myanmar crisis. While international support is needed, nonetheless, it is crucial to engage in close coordination and engagement with regional actors and listen attentively to diverse stakeholders in Myanmar. Instead of insisting on imposing an "external solution", it would be highly beneficial to extend collaboration and support to the regional think-tanks and local humanitarian agencies that already have footprints on the ground. By doing so, meaningful change can be induced, and the remaining democratic pillars in Myanmar may be sustained.
- ▶ As much as quiet diplomacy is needed to explore the path toward inclusive dialogue, there is a mandate for the ASEAN Chair's Special Envoy to engage with all stakeholders. While claiming that more actors are being approached, Indonesia should start indicating that it seeks to openly engage with NUG and all members of the resistance movement and make this part of the implementation plan that ASEAN should proceed with. This gesture is particularly important as the military junta has continued with violent crackdown against pro-democracy groups. It is worth noting that engaging with these stakeholders does not necessarily imply granting legitimacy, and that engaging all-sides might help address question of legitimizing one group over another.
- ▶ Under the leadership of the Office of the Special Envoy, it is crucial to further unpack the FPC. This entails developing an implementation plan which contains concrete, practical and measurable steps, with a specific timeline to effectively respond to the evolving situation in Myanmar. ASEAN Foreign Ministers are tasked to develop the implementation plan. The "New" FPC must have a clear timeline, milestones, and phases to ensure progress and accountability.
- ▶ An additional step is continued advocacy for change to the Special Envoy of the Chair to ASEAN Special Envoy – which is currently limited to a one-year term of mandate – to an increased time-frame of at least three years. This would need to be accompanied by a comprehensive Terms of Reference, including specific mandates, as well as financial, institutional and diplomatic resources from ASEAN.

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Endnotes

¹ Proceedings of the Study Group on Myanmar, Feb 16, 2023.

² Proceedings of the Study Group on Myanmar, Feb 16, 2023.

³ Interview with EAO representative, March 27, 2023.

⁴ Proceedings of the Study Group on Myanmar, Feb 16, 2023.

⁵ Indonesia, Malaysia, Singapore and the Philippines refused to attend.

⁶ Statement by Indonesian Senior Official, Director-General for ASEAN Sidharto Suryodipuro, as quoted in the Twitter page of Tan Hui Yee, Strait Times, on 27 October 2022, https://twitter.com/Tan_Hui_Yee/status/1585535128348266496

⁷ Slightly prior to that, FM Abdullah was absent during the Ministerial Meeting held in October 2022. His replacement is expected to be different and take a less active standpoint on Myanmar. (<https://www.scmp.com/week-asia/politics/article/3197734/will-asean-norms-absence-malaysias-top-diplomat-doom-myanmar-peace-plan>)

⁸ Interview with EAO representative, March 27, 2023.

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¹⁰ Chinese Intervention in Myanmar Affairs and Conflict among Kachin People, ISP Insight Email, No 11, March 24, 2023. <https://ispmyanmar.com/community/wp-content/uploads/2023/04/IE-011-ENG.pdf>

¹¹ Indian state-owned firm sold artillery barrels to Myanmar: activists, The Jakarta Post, 1 March 2023, <https://www.thejakartapost.com/world/2023/03/01/indian-state-owned-firm-sold-artillery-barrels-to-myanmar-activists.html>

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