



Rights-Based Reform :

ASEAN Five Years on from the 5-Point Consensus.



Network for Human Rights Documentation-Burma



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Background

Since the failed coup in February 2021, junta leader Min Aung Hlaing's military has pushed Burma into a full-scale civil war. The extent of abuse is well documented. Thousands have been killed, and over 3.7 million people have been displaced.¹ Airstrikes, artillery, night raids, and arbitrary arrests have become daily realities for civilians who only seek safety and peace in their communities. The current instability of the situation has exposed vulnerabilities and a lack of resources, resulting in nearly one in three citizens estimated to require humanitarian assistance in 2026.²

The violence since the attempted coup in February 2021 has been increasing. Just a few months after the junta stole democracy from the people, in April 2021, the Association of Southeast Asian Nations (ASEAN) introduced a peace plan called the Five Point Consensus (5PC) in response to the worsening human rights situation in Burma. The plan is based on five key pillars: a halt to the violence, inclusive dialogue, mediation through a special envoy, and unrestricted access for humanitarian aid. The military has long rejected the 5PC and has shown no interest in fulfilling any of its requirements or in changing its conduct in war.

Five years later, civil society organizations continue to call for a response from ASEAN that acknowledges the people's aspirations, including by ensuring that the military junta is denied any position of power, authority, or legitimacy. The junta's relentless violence and deliberate attacks on democratic forces undermine protections for vulnerable groups. It is also indicative of their refusal to adhere to calls to end the ongoing air and ground strikes.

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1. Myanmar Crisis Situation Analysis: 15/12/25 - 21/12/25, Data Friendly Space, 31 December 2025
 2. Ibid

One significant obstacle in achieving the necessary results to tackle Burma's multiple crises is the apparent lack of political will and commitment within ASEAN to work with pro-democracy allies and networks. Although the junta is losing its pursuit of legitimacy, international engagement with it has grown. Since 2021, ASEAN's current and former leaders have prioritized initiating political dialogue with the junta to end the conflict, rather than engaging with representatives genuinely dedicated to a federal and democratic future for Burma. With the Philippines currently serving as the Chair of the Bloc, there are opportunities to meaningfully engage with the pro-democracy movement and lessons to be learned from the unsuccessful efforts of previous ASEAN Chairs.

The previous strategies by ASEAN are not working, and a new approach is urgently required. Further, this briefing paper from the Network for Human Rights Documentation-Burma (ND-Burma) reiterates ongoing calls for ASEAN to sever all ties with the terrorist junta and provide protection and support to all those affected by the regime's ongoing human rights violations and the weaponization of humanitarian aid. Additionally, the paper calls on ASEAN to pursue justice in Burma by holding the military accountable for perpetrating war crimes and crimes against humanity, and to prioritize justice and accountability under international law.

A Denial of Fundamental Human Rights in Burma

The junta's stolen rule has caused immense suffering and torn families apart across conflict-affected townships nationwide. The call for an end to violence in the 5-Point Consensus has not only been ignored but also completely dismissed by the junta. Its ineffectiveness is clear in the scale and frequency of attacks that continue to be documented, including by ND-Burma member organizations. The people have been clear that the junta does not represent civilian interests, nor has it ever truly prioritized their safety and protection.

It is clear that the Burma Army is continuing to commit widespread and systematic attacks against civilians. In our latest report, 'Defying a Dictatorship,' ND-Burma's member organizations documented 462 human rights violations across 279 incidents in seven regions and six states between July and December 2025. Of these violations, 271 were attributed to the military junta, 5 to Ethnic Revolutionary Organizations (EROs), and 3 were not attributable to any perpetrator.³ In addition, on December 21, 2022, the United Nations Security Council adopted Resolution 2669, its first-ever resolution on Burma, which demanded an immediate end to violence and the release of all arbitrarily detained prisoners, as well as the implementation of the 5-Point Consensus.⁴ One month after the Resolution was adopted, 231 people were killed in airstrikes carried out by the junta.⁵

As of early 2026, the number of internally displaced people (IDPs) in Burma is expected to rise to 4 million as offensives continue to worsen and expand.⁶ Around 90% of these individuals have been displaced since February 2021, with approximately half of the total displacement concentrated in the

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3. Defying a Dictatorship, The Network for Human Rights Documentation-Burma, 17 March 2026
 4. Resolution 2669 (2022) Adopted by the Security Council at its 9231st meeting, on 21 December 2022
 5. Civil Society Position Paper: Addressing ASEAN's Goal of a "Myanmar-Owned and -Led Solution", Progressive Voice, 15 December 2024
 6. Global Humanitarian Overview 2025, UNOCHA, 4 December 2025

Northwest region.⁷ The staggering impacts of the violence have forced communities with little choice to flee. By 31 October 2024, approximately 52,100 people had been displaced to Thailand, 12,200 to Malaysia, and 3,400 to Indonesia.⁸

These figures each symbolize an individual forced to abandon their home, possessions, and often their loved ones. Aerial and ground attacks by the military junta have led to the destruction of thousands of local infrastructure, with over 65,000 armed clashes against civilians since the coup.⁹ ASEAN must not overlook these statistics but recognize that the situation in Burma is far from normal, despite the junta's attempts to demonstrate otherwise. Most recently, coup leader Min Aung Hlaing declared himself President after the sham election, in yet another attempt to gain international legitimacy while human rights continue to be seriously violated.¹⁰ The advancement of an inclusive and democratic political process must be supported by ASEAN, with actors of various federal bodies and civil society at the forefront of reform.

Many face an uncertain future as survival is threatened by illegal acts of violence, including ongoing air and ground strikes into local areas such as churches, clinics, and schools. As cautioned by the Special Advisory Council for Myanmar, *“Min Aung Hlaing has killed tens of thousands of civilians, set the country ablaze and destabilised the region, all in a selfish bid to anoint himself president. A confected title and a costume change won't fool the Myanmar people or the international community or erase his crimes. He will ultimately be brought to heel and to justice.”*¹¹

7. Ibid

8. Operational Data Portal, “Myanmar Situation,” UNHCR

9. See ACLED data on Myanmar

10. Myanmar junta chief Min Aung Hlaing appointed president after ‘sham’ election, The Guardian, 3 April 2026

11. From Fatigues to Longyis: The Myanmar Junta’s Absurd Rebrand Begins, Special Advisory Council for Myanmar, 16 March 2026

ASEAN Must Support a People-Led Movement for Democracy in Burma

Rights defenders have consistently led revolutions in Burma, especially as women have defended democracy and advanced gender policies to ensure equality. The rejection of military rule has, for decades, been driven by the people who demonstrate unwavering dedication to opposing authoritarianism. They raise their voices to demand change, including to ASEAN, where there have been repeated calls for the bloc to cut ties and associations with the regime.

ASEAN's ongoing dialogue with the military junta ignores the voices of those who have risked their safety to call for an end to the dictatorship. While ASEAN has excluded junta figures from its main summit since 2021, the bloc has continued to rely on and refer to the 5-PC as a distraction from addressing the real issues on the ground. The sham election was the latest test for ASEAN, and despite refusing to recognize the results, ASEAN continues to emphasize inclusive dialogue and participation by all stakeholders.¹² In February 2026, the Foreign Minister of Thailand met with the junta's foreign minister and made worrying remarks by stating: "[Thailand wants to be a bridge connecting Myanmar back to ASEAN.](#)"¹³ The conversations between coup-leader Min Aung Hlaing and the Thai defence chief, who met to discuss expanding military cooperation, are yet another worrying step towards acknowledging the junta's stolen rule.¹⁴

12. ASEAN does not recognise Myanmar's elections 'as of now': Philippine FM, AlJazeera, 30 January 2026

13. Thailand hopes to be 'bridge' for Myanmar and ASEAN, foreign minister says, Reuters, 18 February 2026

14. Min Aung Hlaing meets Thai defense chief to discuss military cooperation, border security, The Irrawaddy, 19 March 2026

As stated by the ND-Burma member, the Human Rights Foundation of Monland (HURFOM) stated, *“The Burmese Army must be swiftly brought before the International Criminal Court. The junta has provided no grounds for legitimacy, so international actors must denounce their actions and work with the National Unity Government to restore democracy in Burma. Moreover, ASEAN should adopt a strong stance against the military and hold them accountable.”*¹⁵

The push for the junta’s return to ASEAN is concerning and poses serious risks to the overall human rights situation, especially as the regime might see rejoining ASEAN as a significant boost to its legitimacy—something it has neither earned nor deserved. The suggestion to have more direct engagement goes against the 5PC and its calls for a cessation of violence. As stated by the Special Advisory Council for Myanmar (SAC-M), *“ASEAN’s ‘people centred’ principle would be irreparably damaged were it to go along with the junta’s charade.”*¹⁶

The junta has shown no signs of slowing its attacks against unarmed populations, as camps for internally displaced people are repeatedly bombed by airstrikes and drone attacks. Thailand’s wishes for ‘sustainable peace’ and ‘national security,’¹⁷ must not hinge on the Burma Army, as their interest in ending attacks is not genuine. The junta has continued to purchase highly advanced weaponry from countries including China and Russia, while enforcing power outages to cut electricity costs as rolling blackouts begin amid the summer season.¹⁸

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15. The Human Rights Foundation of Monland Commemorates Three Decades of Justice and Rights Work by Calling for Accountability for the Military Junta, The Human Rights Foundation of Monland, 10 December 2025
 16. From Fatigues to Longyis: The Myanmar Junta’s Absurd Rebrand Begins, Special Advisory Council for Myanmar, 16 March 2026
 17. Thailand pushes for Myanmar junta’s return to ASEAN, Anadolu Agency, 18 February 2026
 18. Rolling blackouts announced for duration of hot season, The Irrawaddy, 18 March 2026

ASEAN Must Pursue Justice Pathways to Hold the Junta Accountable

With domestic accountability mechanisms completely unreliable in Burma, AESAN has several pathways it can promote to hold the junta responsible for its widespread crimes against humanity. An ND-Burma member, the Chin Human Rights Organization (CHRO), the Myanmar Accountability Project (MAP), and a Timor-Leste-based law firm, Da Silva Teixeira & Associados Lda. jointly filed the application for indictment on January 12, invoking universal jurisdiction over crimes committed in Chin State since the coup.¹⁹ The lawsuit was accepted, with CHRO choosing to pursue legal action in Timor-Leste as it is a country which allows crimes committed abroad to be prosecuted under the principle of universal jurisdiction.²⁰

The junta subsequently denied the allegations in the lawsuit and accused Timor-Leste of violating the ASEAN Charter after Timor-Leste recently became a member of ASEAN. Afterwards, the East Timorese diplomatic mission from Yangon was expelled by the junta.²¹ While the Dili government condemned the decision, it also called for the 'return of democratic order,' in a further display of solidarity and support for the human rights movement in Burma.²² However, ASEAN itself has distanced itself from the decision, with countries including Cambodia and Brunei showing more signs of acceptance of the regime through their close relationships with the Generals in Naypyidaw. Indonesia and the Philippines have taken a more constructive view, with the Philippines suggesting the replacement of the 5-PC, while Malaysia and Singapore express doubt about Burma's ability to adhere to democratic norms.

19. Chin human rights group's lawsuit against junta accepted by Timor-Leste court, Burma News International, 26 January 2026

20. Ibid

21. Expulsion of East Timor Diplomats divides ASEAN over Myanmar, PIME Asia News, 19 February 2026

22. Ibid

Regarding justice and accountability, there should be no fragmentation within the bloc. A unified stance is needed in order to hold the military regime accountable. Despite the principle of non-interference in the ASEAN Charter, there is a moral obligation and an apparent test of political will in challenging tradition by choosing to stand on the right side of humanity. As noted by observers, *“Rewarding non-compliance through continued engagement on unchanged terms risks emboldening further violence.”*²³

In addition, recently, a court in Indonesia accepted a submission filed by Rohingya survivors and the Myanmar Accountability Project under the principle of Universal Jurisdiction. Filing a case under universal jurisdiction allows courts to prosecute individuals for serious crimes under international law. This development marks an important step toward justice and accountability for crimes committed in Burma. It also serves as a potential precedent and source of inspiration for other ASEAN countries to consider similar legal actions, demonstrating a growing regional role in addressing serious human rights violations despite long-standing non-interference principles.

23. Opinion: The cost of Asean getting it wrong in Myanmar, The Edge Malaysia, 14 April 2026

Conclusion

The human rights situation on the ground in Burma demands attention. ASEAN cannot afford to ignore the escalation of the rights violations being perpetrated. In the wake of such injustice, it is imperative that a moral stance be adopted. The normalization of the war has led to the daily suffering of millions, as the international community looks to other crises around the world. The human rights movement cannot afford to lose momentum in the wake of the immense courage demonstrated. Impunity must not prevail against accountability.

There must be stronger coordinated pressure for accountability, including targeted sanctions, a ban on aviation fuel, and a global arms embargo. The people of Burma have already shown extraordinary courage and resilience. What they need now is principled international action that stands with them, not with their oppressors. While ASEAN shares the concern of the people when it comes to stability, this cannot be achieved by a military regime that bombs its citizens and imprisons critics. True stability is only possible by supporting Burma's pro-democracy movement, listening to their needs, and setting conditions that protect civilians while allowing real political participation.

The next steps are clear and intentionally directed. ASEAN must collaborate with civil society to escalate pressure on those responsible for organizing and facilitating attacks on civilians. Simultaneously, it should broaden humanitarian access via cross-border networks which support vulnerable populations. In addition, the rejection of the junta's violence must be denounced through supporting calls to sanction aviation fuel and the halting of weapons. Active efforts must be made, in consultation with civil society, to protect civilians, secure the release of detainees, ensure that aid reaches all areas without restrictions, and promote dialogue with those meaningfully engaged in the pursuit of democracy — a pathway the junta is not interested in. These actions should be followed and built upon through collaboration with civil society and leaders of the interim governments, rather than merely acknowledged in statements.

Strengthened ASEAN leadership will be critical as the bloc moves forward to address the situation in Burma with the urgency and decisive leadership it requires.

Recommendations

To ASEAN

1. Effectively and immediately end all ties with the junta that has no interest in ending its attacks on civilians in Burma. These efforts must be redirected to pursue justice pathways for victims and survivors of the junta's assaults, including through transitional justice pathways.
2. Refrain from inviting the junta to any meetings related to ASEAN or regional affairs, as their presence risks legitimizing their status as leaders of a country the people do not recognize.
3. Refuse to legitimize the junta in the aftermath of the sham election and instead effectively collaborate with civil society organizations and democratically elected officials in Burma on all matters related to peace, democracy, and meaningful steps towards justice.
4. Urgently reform the deeply flawed 5-Point Consensus in line with the recommendations and guidance from civil society organizations, which the junta has utterly failed to adhere to.
5. Enforce protection mechanisms to shield young men and women from the junta's forced conscription efforts and assist them in seeking refuge and asylum in neighbouring countries with adequate safeguarding measures in place.
6. Mandate protections for migrants and refugees living in neighbouring countries, after having fled for their safety, who are at risk of being deported back to Burma and into military custody

7. Provide humanitarian aid to internally displaced persons through cross-border channels, in collaboration with local civil society organizations, community-based organizations, the National Unity Government, and federal bodies, including the Karenni Interim Executive Council, as well as ethnic armed organizations involved in humanitarian efforts.





ND-Burma is a network of 13 member organizations representing a range of ethnic nationalities, women, youth, and former political prisoners. Since 2004, ND-Burma member organizations have documented human rights abuses and advocated for justice on behalf of victims. The network consists of nine full members and four affiliate members.



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