

**End of Mission Statement**  
**Tom Andrews**  
**UN Special Rapporteur on the situation of human rights in Myanmar**

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It was an honor and a privilege to visit Australia in my capacity as the United Nations Special Rapporteur on the situation of human rights in Myanmar. I am sincerely grateful to the Government of Australia for inviting me here and for the opportunity to meet with key Australian government leaders, including Her Excellency Foreign Minister Penny Wong, the Australian Human Rights Ambassador, and senior officials from the Department of Foreign Affairs and Trade, the Department of Home Affairs and the Australian Federal Police.

I also appreciated the opportunity to meet with Members of Parliament from both major political parties and the Australian Human Rights Commission. And, I would like to express my thanks to the civil society groups, UN officials, academics, researchers, students, policy analysts, faith-based organisations and others who took the time to meet with me and share their valuable perspective and expertise on the human rights crisis in Myanmar.

I had the honor of meeting with the National Unity Government's representative to Australia. I appreciate the National Unity Government's warm welcome and tireless work on behalf of the people of Myanmar. I encourage the Australian government to continue to engage with the National Unity Government and recognize it as the legitimate representative of the people of Myanmar.

During my visit I also had the privilege of meeting with members of Myanmar diaspora communities, including recently resettled refugees, who shared stories about their journeys and their experience here in Australia. All were deeply grateful that they had been given the opportunity to continue their lives in safety and security.

I came to Australia because the human rights situation in Myanmar has gone from bad to worse to horrific; because the international response to this crisis is clearly not working; and because a course correction is imperative to avoid an even greater disaster.

I'm worried that the deepening crisis in Myanmar has become invisible to much of the world. You can't solve a problem that you cannot see.

Australia has demonstrated timely and effective leadership in addressing historic challenges in the Asia-Pacific region. Its strategic location, its role as a strong democracy in the region, and its position as an important dialogue and security partner to ASEAN make it uniquely suited to help forge a more effective international response.

Doing so is not only the right thing to do, it is in Australia's national interest. The military coup has allowed high levels of criminality to flourish in Myanmar. Online scam centres, for example, are operating round the clock in Myanmar, claiming victims in Australia, throughout the region and beyond. They include those who are caught in human trafficking webs after applying for what they thought were legitimate employment opportunities and also those who lose millions to online scammers. Myanmar is the world's largest producer of opium and a major supplier of methamphetamine into Australia. The escalating violence and worsening humanitarian crisis are forcing more and more Myanmar victims to seek refuge well beyond its borders.

### **The crisis in Myanmar**

Three and a half years ago, Senior General Min Aung Hlaing initiated an illegal coup after a military-backed political party was soundly defeated in a democratic election. It was a grave miscalculation that severely underestimated the resolve of the Myanmar people to prevent a return to military rule.

Min Aung Hlaing and the junta responded to the deep and widespread opposition of the people of Myanmar with barbarism and oppression. Massive anti-junta demonstrations were met with brute force. Soldiers gunned down protestors in the streets. Arbitrary detention, torture and systematic attacks on villages became hallmarks of the junta's oppression. Many young people responded by taking up weapons. People's Defense Forces were formed, and often aligned with and were trained by ethnic armed organisations.

Things have not gone well for junta military forces, which have been losing ground in Myanmar both literally and figuratively. Losses have included military bases and tens of thousands of troops. The junta now controls less than half of Myanmar and has been forced to establish a forced conscription program to fill the widening shortfall in troop numbers. Not surprisingly, the junta has responded by ratcheting up attacks on villages. There has been a five-fold increase in aerial attacks on civilian targets over the last year. The junta appears determined to destroy population centers that it cannot control.

The numbers associated with the junta's human rights violations are staggering.

Since the coup was launched:

- Over 3.1 million people have been displaced;
- More than 5,600 civilians have been killed by junta forces;
- 18.6 million Myanmar people are in urgent need of humanitarian assistance;
- Over 20,000 political prisoners are behind bars;
- 13.3 million people are facing emergency levels of food insecurity.

## **The imperative for international action**

The people of Myanmar have been fighting back with enormous courage and tenacity. The future of Myanmar is in their hands but they need the support of the international community and they need it now.

How? By working to deny the junta the three things that it needs to sustain itself: money, weapons and legitimacy. And, by providing critical support to address a humanitarian catastrophe that is unfolding at this very moment.

To its credit, Australia has been a major source of humanitarian aid for the besieged people of Myanmar, providing more than \$860 million since 2017 for those in both Myanmar and Bangladesh, including for Rohingya in the camps and their host communities.

Australia has established targeted economic sanctions and a weapons ban and has ongoing engagement with the National Unity Government that has an office here in Canberra.

But, more needs to be done. Australia is in a crucial position to provide leadership for a stronger international response to the crisis in Myanmar.

There is a significant and growing need for life-saving humanitarian aid, but the shifting dynamic within Myanmar requires changes to ensure that aid gets to those with the greatest needs. The junta continues to obstruct the distribution of humanitarian aid within and outside of the shrinking area that it controls, leaving larger and larger numbers dependent on community organizations and civil society networks to get aid through, particularly in conflict areas.

This requires providing aid directly to these groups, including through cross-border channels, and flexibility in administrative reporting requirements. Holding administrative forms and receipts when stopped at a military junta check point could be lethal.

I urge Australia to increase funding to those in non-junta-controlled areas who are in the process of building and enhancing new institutions and infrastructure that will be essential for a future federal democratic Myanmar. In my conversations with diaspora community members, I learned a great deal about these promising initiatives. They need and deserve stronger international support.

Many thousands of Rohingya have been forced from their homes as intense fighting between junta forces and the Arakan Army engulfs Rakhine State. Most are without adequate food, shelter or medicine. Tens of thousands have made their way over the border in the last few months. It is highly likely that in the coming months thousands of desperate people could decide to put their fate into the hands of smugglers and head out to sea.

This deepening crisis requires a significant increase in humanitarian aid for those who are in dire need in Rakhine State and those who have crossed into Bangladesh. But generating the requisite level of support to address this rapidly escalating disaster is going to require the attention and engagement of a distracted world.

To gather this attention and engagement, I believe that there should be an emergency convening of nations and stakeholders to address this growing disaster before it gets even worse. I also believe that Australia is in a critical position to provide the leadership necessary to make this happen.

Australia has a direct stake in what happens in Myanmar, Bangladesh and the region and has been providing generous support. Australia is now the third largest donor to the UN's Joint Response Plan for the Rohingya in Bangladesh, and a significant donor to support the people of Myanmar. But, it cannot do it alone. As a major source of humanitarian aid and an influential member of the international community, Australia is in a position to leverage stronger levels of support from nations who remain on the sidelines. This is a crisis that requires emergency action now. A high profile emergency convening that focuses regional and world attention on this unfolding disaster would be a crucial step forward that Australia can help make a reality.

Australia has joined other nations willing to impose targeted economic sanctions on the junta and those that aid and abet it, including on networks that are supplying jet fuel to the junta. But, the junta has been increasingly effective in avoiding these sanctions, including through the creation of shell companies. While the imposition of sanctions on the junta-controlled Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank have been effective, for example, transactions have simply been shifted to the junta controlled Myanmar Economic Bank, which is not sanctioned. To be truly effective, sanctions need to be more comprehensive, strategic and coordinated, and must be rigorously enforced. Australia can play an important role in making this happen.

The junta is seeking to be able to claim legitimacy by preparing to hold sham elections. A national census is under way that the junta is claiming will support the development of voter lists, but that, according to my sources, is primarily a vehicle to collect information and intelligence on the opposition and the population at large.

A junta organized election is as outrageous as it is absurd. You cannot have a free and fair election when opposition leaders have been arrested, imprisoned, tortured and executed. You cannot have a free and fair election when it is a crime for journalists to report the truth or for anyone to criticize the junta. It is also dangerous, as it will likely lead to even more violence.

The international community must not fall into the trap of legitimizing or in any way supporting or encouraging these elections. I urge Australia to not only denounce this so-called "election" for what it is, a fraud, but to proactively reach out to nations in the region and world to encourage them to also deny this absurd attempt by the junta to seek legitimacy.

Australia has offered resettlement to some who have fled Myanmar. I encourage the scaling up of this program and the prioritization of the reunification of families.

The success of this program was evident as I met with members of Bamar, Chin, Karen, Kachin, Karenni, Mon, Rakhine and Rohingya ethnic groups, among others. Some have lived in Australia since the 1988 uprising. Others have been resettled since the coup. They came from all walks of life – doctors, educators, lawyers, successful businesspersons, students, exiled members of parliament – all contributing to the communities in which they now live and building skills they will take back home to Myanmar when it becomes possible to do so. This program is truly a win-win.

But the stories that I heard from those who made it out of extreme danger in Myanmar were harrowing. A man from Mon State showed me photos of his village after it came under attack from the sky. A woman told me the heartbreaking story of learning, just the day before, that her brother had been shot and killed as he prepared to cross the Naf River into Bangladesh. Two other members of her family drowned.

Everyone from Myanmar with whom I met denounced the coup and expressed their outrage and despair about what is going on in their country. But, it is clear from what I observed that they are doing more than expressing their views, they are taking action including through grassroots fundraising initiatives that have enabled them to send significant amounts of money back home to support their families and communities.

Australia and Indonesia, co-chairs of the Bali Process, created an emergency response ‘Consultation Mechanism’ following the 2015 Rohingya boat crisis in the Andaman Sea. Given the escalating humanitarian crisis in Rakhine State and Bangladesh, and the tens of thousands who have crossed the border into Bangladesh over the last few weeks, it is likely that significant numbers of Rohingya families could soon be placing their fate into the hands of smugglers and heading out to sea. It is therefore important that a robust maritime emergency response plan, with protocols for rescue at sea, the disembarkation of boats, and the humane treatment of those aboard, be immediately established along with the requisite resources for its deployment.

Australia has long been a supporter of accountability for crimes committed in Myanmar, including through its support for accountability mechanisms at the United Nations. I encourage Australia to consider additional means of supporting accountability, including intervening in the International Court of Justice (ICJ) case against Myanmar concerning genocide against the Rohingya. This would be consistent with Australia’s intervention in the ICJ case against Russia in relation to Ukraine and support the robust pursuit of justice.

The Attorney General of Australia has noted that he would “carefully consider any proposals to help bring to justice military figures in Myanmar guilty of war crimes.” In light of Australia’s legal framework enabling universal jurisdiction, I encourage Australia to consider pursuing universal jurisdiction cases for violations of international crimes in Myanmar in Australian

courts. I urge Australia to also consider referring the situation in Myanmar to the Prosecutor of the International Criminal Court under Article 14 of the Rome Statute.

It has been an honor and privilege to visit Australia. It is clearer than ever to me that Australia is well positioned to help deny the military junta of Myanmar the means to hold 54 million people hostage while serving as a catalyst for coordinated, strategic action and increased humanitarian support for those in desperate need.

I would like to once again thank the government of Australia for its warm welcome and engagement and extend my gratitude to all of those who I met with on my mission here. I very much look forward to working with them toward the realization of a free, democratic and human rights respecting Myanmar.