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Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT)

Inquiry Into Supporting Democracy in Our Region

Submitted by

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Submission to the Joint Standing Committee on Foreign Affairs, Defence, and Trade

Inquiry into Supporting Democracy in Our Region

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**MYANMAR CASE STUDY**

**Recommendations for Supporting Democracy in Myanmar and the Region**

Australia can support Myanmar in the following ways to promote democracy and the international rules-based order:

- The United Nations Independent International Fact-Finding Mission on Myanmar (IIMM) has identified the Myanmar military's extensive business interests as the main reason for the military's outsize power, enabling its human rights violations and its obstruction of Myanmar's transition to democracy<sup>1</sup>. The military's conglomerates and closely affiliated 'crony' companies operate across diverse sectors of the economy; and even before the Feb 1 coup, much of the revenue from state-owned enterprises (SOEs) flowed to the military through direct business relationships between military companies and SOEs, and the military's control over the so called "other accounts" where much of the SOE revenues are amassed<sup>2</sup>. Based on these facts the Mission's key recommendation is for the UN Security Council and Member States to impose targeted economic sanctions against military companies and the SOEs that it controls<sup>3</sup>. Australia and other like-minded states must impose *coordinated*, targeted economic sanctions on *all* military revenue sources including SOEs such as the Myanmar Oil and Gas Enterprise (MOGE), to financially isolate the Myanmar military.
- Australia and other like-minded states must formally recognise the NUG as the legitimate government of Myanmar.
- Australia and other like-minded states must actively support and facilitate the National Unity Consultative Council (NUCC), which brings together all key stakeholders with the objective of establishing federal democracy in Myanmar - the National Unity Government (NUG), the Committee Representing Pyidaungsu Hluttaw (CPRH), human rights and civil society organizations (CSOs), the Civil Disobedience Movement, activist networks, ethnic minority political parties and Ethnic Armed Organisations (EAOs).
- Australia must accept that the Five-Point Consensus has failed. The United Nations, Australia and other like-minded states, and ASEAN must work together with the NUG and other key stakeholders that are working to establish federal democracy and negotiate a new solution to the crisis in Myanmar.
- Encourage countries neighbouring Myanmar to allow cross-border aid.
- Prioritise the delivery of aid through local civil society organisations (CSOs) in Myanmar.
- Do not lend any form of legitimacy to the illegal military junta because the attempted coup and the military's actions since, including their proposed military elections in 2023, are in contravention of the rule of law and the key principles on which Australia is based upon democracy and human rights.

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<sup>1</sup> UN Independent International Fact-Finding Mission on Myanmar. 2019, Sep. Economic interests of the Myanmar military. OHCHR.org. <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>

<sup>2</sup> UN Independent International Fact-Finding Mission on Myanmar. 2019, Sep. Economic interests of the Myanmar military. OHCHR.org. <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>

<sup>3</sup> UN Independent International Fact-Finding Mission on Myanmar. 2019, Sep. Economic interests of the Myanmar military. OHCHR.org. <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>  
Freedom House. 2022. Freedom in the World. (p. 22) [https://freedomhouse.org/sites/default/files/2022-02/FIW\\_2022\\_PDF\\_Booklet\\_Digital\\_Final\\_Web.pdf](https://freedomhouse.org/sites/default/files/2022-02/FIW_2022_PDF_Booklet_Digital_Final_Web.pdf)

## 1. Introduction: Australia – Myanmar relationship

*“Australia seeks deeper engagement with Southeast Asia. Australia seeks a region that is peaceful and predictable, that is governed by accepted rules and norms, where all our countries and peoples can cooperate, trade, and thrive.”*

– Senator the Hon Penny Wong, Minister for Foreign Affairs, at UNGA, New York on 23 Sep 2022

Formal diplomatic relations between Myanmar and Australia date back to 1952. However, our shared history extends further back than this. Like Australia, Burma was also subjected to British colonial rule. Australian and Burmese soldiers fought together as part of the Allied forces against the Japanese army during the Burma campaign in World War II. Over 1000 Australian soldiers, who died in Burma, many of them during the construction of the Burma-Thailand railway by the Japanese using prisoner of war (POW) labour, are buried in the Thanbyuzayat Allied War Cemetery in Burma, the starting point of the Burma-Thailand railway.

In recent years Australia’s foreign policy in relation to Myanmar has focused on supporting ‘Myanmar’s process of political, social and economic reform’ according to the Department of Foreign Affairs and Trade and the main objectives of Australia’s aid program include improving access to quality education, promoting ‘peace and stability through support to the peace process and elections, and humanitarian assistance as required’, and promoting ‘inclusive economic growth and government management’<sup>4</sup>. In 2013, due to the reforms taking place in Myanmar, Australia also re-established defence ties with Myanmar to encourage ‘the development of a modern, professional defence force in Myanmar that continues to support democratisation and reform’. As part of this Myanmar was incorporated into Australia’s Defence Cooperation Program (DCP). Over the last 20 years the Australian Federal Police (AFP) have also worked with Myanmar’s Ministry for Home Affairs and the Myanmar Police Force on issues such as anti-narcotics, people trafficking, and money laundering<sup>5</sup>.

The military coup on 1 February 2021 reversed Myanmar’s development and transition to democracy. In an attempt to overcome nation-wide opposition to the coup and gain control, the military has killed and arbitrarily detained over thousand people, displaced over 1 million people, and deployed their notorious four-cut counter-insurgency strategy across the country. The Myanmar Police Force has fully supported the military in its war against the people.

However, the investment by Australia and its democratic allies in Myanmar’s democratic transition has not been completely lost, because *the commitment and dedication to restoring democracy by those participating in the Myanmar Spring Revolution today is the result of that investment*. The National Unity Government (NUG) is fully committed to establishing a genuine federal democracy in Myanmar, and the NUG together with resistance organisations, now have effective control over half of the territory in Myanmar. Myanmar is represented in the United Nations General Assembly by the NUG’s representative and their representative has stood together with Australia on important issues including the Russian invasion of Ukraine. If ‘Australia seeks a region that is peaceful and predictable, that is governed by accepted rules and norms, where all our countries and peoples can cooperate, trade, and thrive’ then **it is time to continue investing in the people of Myanmar and their legitimate representative organisations such as the NUG, not the military**.

## 2. The Military has Never Been Qualified for Participation in the Democratization Process

The military’s extensive, multi-layered network of training institutions is designed not only to teach military skills but also to implant an ideology that presents the military at the centre of Myanmar’s historical and political development, as having saved the country from a wide range of external and internal threats, portraying civilian politicians and ethnic leaders as “anarchistic mobs”, “destructionists” and “terrorists”<sup>6</sup>. The 2008 constitution which was carefully and intentionally crafted by the military in the 1990s and 2000s reflects

<sup>4</sup> DFAT. Aid Investment Plan Myanmar: 2015-2020. <https://www.dfat.gov.au/about-us/publications/Pages/aid-investment-plan-aip-myanmar-2015-20> (Access: 7 Nov 2022)

<sup>5</sup> APH. 2017. Defence cooperation with Myanmar.

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1718/Quick\\_Guides/Myanmar](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/Myanmar)

<sup>6</sup> APH. 2017. Defence cooperation with Myanmar.

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1718/Quick\\_Guides/Myanmar](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/Myanmar)

their doctrine and was designed to maintain the military's dominance over politics and the economy at the expense of democracy and equitable economic development. However, the main reason for the military's outsize power, enabling its human rights violations and its obstruction of Myanmar's transition to democracy, is their extensive business interests, which are also funding their current war against the Myanmar people. The February 2021 coup was an attempt to return Myanmar to military rule and prevent any further reforms that threaten the military's dominance over politics and the economy. The Myanmar military does not hesitate to use modern military equipment including airpower and chemical weapons to defeat, murder, disappear, and torture its own people. Severe deprivation of liberty, and other inhumane acts are routine, and a zero-sum game is employed to maintain its political power at all times.

The 2021 coup resulted in a U-turn in the democratisation process which was strongly supported by the western liberal democratic alliance including Australia. The alliance's hope and expectations of the military as an agent of change for democracy have been destroyed by the military itself<sup>7</sup>.

*"The military's actions on 1 February 2021 denied the will of the Myanmar people. Since that time, the military has inflicted horrific violence, trampled basic freedoms, and triggered humanitarian, security, health, and economic crises across the country."*

– Senator the Hon Marise Payne, Former Foreign Minister, Statement on 1 Feb 2022

### 3. Democracy in Myanmar is vital for peace and security in the Indo-Pacific Region

The Feb 1 coup and the military's brutal offensive against the whole population, designed to overcome resistance to the attempted coup, has greatly impacted the region. The Myanmar economy has collapsed, over one million people have become internally displaced resulting in a refugee crisis, and narcotics production has surged. The military junta is becoming increasingly dependent on Russia and China given that both states protect Myanmar from action by the United Nations Security Council, supply weapons to the Myanmar military, and afford it some legitimacy, and this has implications for stability in our region.

For example, Myanmar is geopolitically very important to China. One of the key BRI projects in Myanmar is the China Myanmar Economic Corridor (CMEC) which will connect Yunnan in southwest China with a deep-sea port in Kyaukphyu on Myanmar's west coast, ostensibly to enable the shipping of goods from overseas and then overland to Yunnan. However, there are growing fears amongst international experts and people of Myanmar, that Kyaukphyu may end up being used to deploy Chinese naval vessels<sup>8</sup>, and by 2030 China's navy will have sufficient capacity to control the Indian Ocean<sup>9</sup>. There is a correlation between weak democratic institutions and the extension of Chinese political, economic, and strategic influence in the Indo-Pacific region via its BRI projects<sup>10</sup>. The people of Myanmar are not opposed to Chinese investment, but they desire a relationship with China that brings peace, is mutually beneficial, contributes to equitable development for all people in Myanmar not just military elites and cronies, and does not threaten Myanmar's sovereignty, or peace and stability in our region. Only a genuine federal democratic government can ensure all these things.

### 4. Does ASEAN have the Capacity to Resolve the Crisis in Myanmar?

ASEAN Parliamentarians for Human Rights (APHR) in their recent report have characterised ASEAN's Five-Point Consensus as follows:

"The Association of Southeast Asian Nations (ASEAN), of which Myanmar is a member, has been...plagued by internal divisions and is unable to respond effectively. The bloc's "Five-Point Consensus," signed in April 2021 and aimed at addressing the crisis, has utterly failed, hampered by a lack of will on the part of all ASEAN member-states to enforce it, and a military leadership in Myanmar that did not show any intention of implementing it from the beginning. While some member-states, such

<sup>7</sup> Maizland, L. (2022) Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict, Council on Foreign Relations, <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya> [Access: 7 Nov 2022]

<sup>8</sup> Nielson, J. 2022, May. Myanmar - China's west coast dream. Danish Institute for International Peace Studies. <https://www.diis.dk/en/research/myanmar-chinas-west-coast-dream>

<sup>9</sup> <https://www.irrawaddy.com/opinion/guest-column/myanmar-ports-key-to-chinas-strategy-of-controlling-indian-ocean.html>

<sup>10</sup> Lee, Lavina. 2020, May. ASSESSING THE QUAD: PROSPECTS AND LIMITATIONS OF QUADRILATERAL COOPERATION FOR ADVANCING AUSTRALIA'S INTERESTS. Lowy Institute. [https://www.researchgate.net/publication/341568596\\_Assessing\\_the\\_Quad\\_Prospects\\_and\\_Limitations\\_of\\_Quadrilateral\\_Cooperation\\_for\\_Advancing\\_Australia's\\_Interests\\_Assessing\\_the\\_Quad](https://www.researchgate.net/publication/341568596_Assessing_the_Quad_Prospects_and_Limitations_of_Quadrilateral_Cooperation_for_Advancing_Australia's_Interests_Assessing_the_Quad)

as Malaysia, have called for a new approach, including direct engagement with the NUG and other pro-democracy forces, others, including Thailand and Cambodia, have persisted as junta enablers<sup>11</sup>.

It is time for the United Nations, Australia and other like-minded countries, and ASEAN, to work with the NUG and other legitimate representative organisations to negotiate a new agreement to respond to the crisis in Myanmar.

## 5. Sustainable Solutions for Myanmar

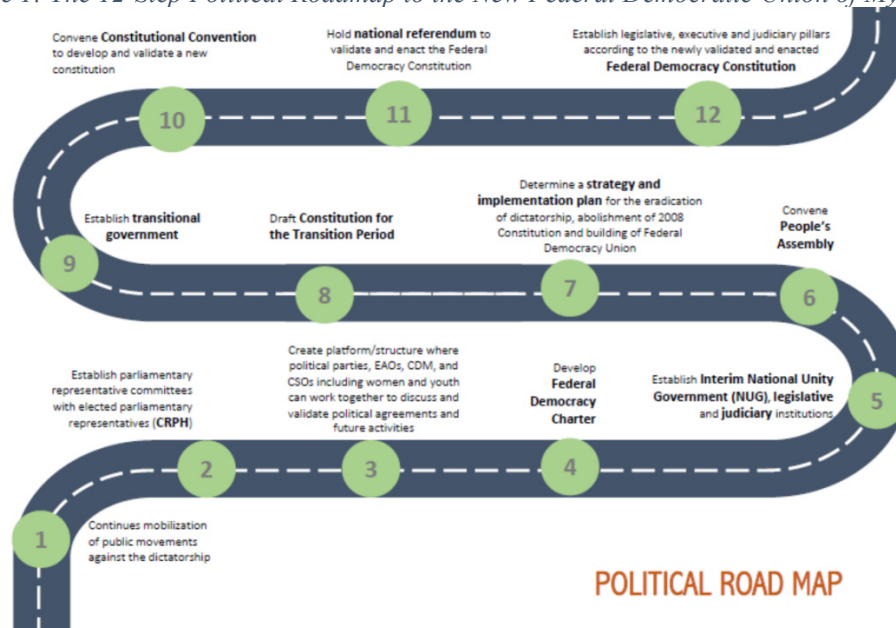
Myanmar has been engulfed in a structural conflict including political disagreements around self-determination, ethnic minority rights, federalism, territory, and resource ownership for more than 70 years. Repeated efforts have been made to achieve peace, but no lasting sustainable peace has been achieved. The main obstruction has always been the Myanmar military.

Now, the Bamar majority in the plains/mainland are experiencing the brutal inhumanity of the terrorist military, and as a result, have gained a better understanding of what ethnic minorities have experienced during the long-running civil war. As a result, mutual understanding, respect, and empathy are growing across the diverse ethnicities in Myanmar.

In April 2021, the National Unity Consultative Council (NUCC), one of the most inclusive political dialogue platforms in Myanmar's history, was formed with the specific aim of bringing together different forces around the objective of establishing federal democracy in Myanmar. It brings together representatives from the NUG, the deposed elected legislature (the Committee Representing the Pyidaungsu Hluttaw (CPRH), human rights and civil society organizations (CSOs), the Civil Disobedience Movement, activist networks, ethnic minority political parties and EAOs. The NUCC held its first People's Assembly during the last weekend of January 2022, and the assembly adopted the Federal Democratic Charter which includes a 12-step political roadmap (see below) towards a new federal democratic union of Myanmar. The political roadmap is currently our best option for preventing Myanmar from becoming a failed state, and for establishing a genuine federal democracy.

If the international community wants to find a genuine solution to the crisis in Myanmar, they must look beyond the military junta and work with all the key stakeholders represented in the NUCC.

*Figure 1: The 12-Step Political Roadmap to the New Federal Democratic Union of Myanmar*



Source: Federal Democracy Charter

<sup>11</sup> APFR. 2022. Time is not on our side: The failed international response to the Myanmar coup". ASEAN Parliamentarians for Human Rights. [https://aseanmp.org/wp-content/uploads/2022/10/IPI-APHR-final-report\\_Time-is-not-on-our-side\\_-The-failed-international-response-to-the-Myanmar-coup.pdf](https://aseanmp.org/wp-content/uploads/2022/10/IPI-APHR-final-report_Time-is-not-on-our-side_-The-failed-international-response-to-the-Myanmar-coup.pdf)

## 6. Conclusion

If Australia wants to promote democracy and the international rules-based order in our region, Myanmar – a country of great geostrategic importance - must be allowed to transition to a genuine federal democracy. The people of Myanmar must have control over the terms of their integration into the global economy, and development must be equitable for all. First and foremost, this requires that the biggest impediment to genuine democracy and equitable development, the Myanmar military, is removed from their position of dominance over politics and the economy, thoroughly reformed, and placed under civilian control. The key strategy for doing so is the financial isolation of the Myanmar military through targeted sanctions as recommended by the UN IIFFMM, as well as refraining from affording the military any form of legitimization. Australia and other likeminded states must ensure that no foreign individual or entity enters into joint partnerships or other business relationships with the Myanmar military. At the same time, Australia must give full recognition and support to Myanmar's legitimate government the NUG, as well as all key stakeholders who are struggling to establish a genuine federal democracy in Myanmar.