



[Australian South East Asian Network - ASEAN Ltd](#)

To: The Committee Secretary  
Foreign Affairs, Defence and Trade Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary,

**Re: Submission to the Inquiry into the state of democracy and human rights in Myanmar**

Please find enclosed a formal submission by the Australian South East Asian Network – ASEAN Ltd to the Senate Inquiry into the state of democracy and human rights in Myanmar.

We draw the Committee's attention to the phased elections scheduled to commence in December. ASEAN Ltd firmly believes these elections are intended solely to legitimise an illegal regime. We therefore urge the Australian Government to lead the international response by condemning the process and implementing stronger sanctions.

We welcome the opportunity to discuss our submission further and would be pleased to appear before the Committee should public hearings be convened on this matter.

Thank you for the work that the Senate does in initiating this Inquiry.

Yours sincerely,

Sawathey

*Sawathey Ek OAM AFM*

*Chair, Founder and CEO*

18 January 2026



## **Australian South East Asian Network - ASEAN LTD**

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**To: The Foreign Affairs, Defence and Trade Committee,  
Department of the Senate**

### **Submission on: The state of democracy and human rights in Myanmar**

#### **A. Background and Mandate of ASEAN Ltd**

The [Australian South East Asian Network - ASEAN Ltd](#) welcomes this Senate Inquiry into the state of democracy and human rights in Myanmar. We view this parliamentary process as well overdue, given the escalating humanitarian crisis and its direct impact on Australian social cohesion and regional security.

ASEAN Ltd registered with ASIC on 11 September 2025, *an umbrella organisation advocating and representing for members and community organisations .. whose interests and values align with the Network before Government and Non-Governmental organisations*. In 2021, recognised the threat of influences and interferences from foreign networks threatening the harmonious social cohesion in Australia's diversity, [together to foster harmony and embrace our shared democratic values](#). The Network was established with the assistance of co-supporter organisations (referred to the Definition Section of the Constitution): Khmer Krom Cultural Centre of NSW Inc. and Lao Community Advancement Co-op NSW Ltd - jointly took a historic step coming [together to foster harmony and embrace our shared democratic values](#). By 2025 the Network has grown to over ten (10) diverse communities with backgrounds specified under the Constitution in the Definition Section B to include: Burmese, Vietnamese, Filipino, Indonesian, Hazara, Assyrian, Armenian, Nepalese, Hong Kong-Malaysian and Indigenous Australian communities.

Under Section B(1)(E) of the Constitution enumerates twelve (12) core areas of advocacy, under:

*Head of of Objectives to promote and build platforms advocating for and representing issues on:*

- I. *Multiculturalism, Indigenous Australian issues, Human Rights and Democracy*
- II. *Domestic Violence*
- III. *Laws and Order*
- IV. *Climate and environment*

- V. *Seniors and youth*
- VI. *Government policies*
- VII. *Diversity and equality*
- VIII. *Economic opportunities*

In 2025, the New South Wales Legislative Council passed two historic motions moved by the Hon. Anthony D'Adam MLC, recognising the many initiatives of ASEAN, an abbreviation used and referred to in the Constitution, including:

[Motion of 12 November 2025](#); referring:

*(2) That this House recognises that:*

*(a) this event was a significant moment for community members from South-East Asian descent;*

*(b) ASEAN is a newly emerging organisation that plays a vital role in fostering collaboration among people and institutions from diverse backgrounds;*

*© ASEAN performs exemplary leadership in advancing and promoting multiculturalism, human rights and social cohesion across the Australian community; and*

*(d) ASEAN has been congratulated by eminent Australians, including High Court justice, the Hon. James Edelman, AC, who in a letter to founder and CEO Sawathey Ek, OAM, recognised the organisation's objectives to "build advocacy platforms to promote Australian values, social cohesion, social integration and inclusion through intercultural/interfaith dialogue amongst vulnerable communities from CALD/Indigenous Australian backgrounds"*

[Motion of 7 May 2025](#), which is incorporated in the Constitution as part of the definition of 'Australian values', referring to:

*(1) That this House notes that*

*(c) dignitaries who were invited to become an ASEAN Ambassador signed a pledge to help "advocate and represent issues affecting our community as Australians" and "promote social cohesion and Australian values consistent with Australia's democratic principles by supporting initiatives relating to intercultural dialogue and interfaith engagement";*

*(d) the summit resolved to adopt the following goals to:*

*(i) promote further advocacy platform initiatives in accordance with the Mission Statement unveiled on 18 February 2025 in the presence of members of Parliament, members of the Legislative Council and ASEAN delegates;*

*(ii) adhere to the Vision and Values with a focus on building the community through encouraging participation of delegates from other ethnic communities and promoting Australia's democratic values and diversity;*

*(iii) represent ASEAN communities on issues affecting human rights, democracy, civic duty and foreign interferences on Australian soil;*

*(iv) collaborate with government, non-government agencies and elected officials in accordance with the Mission Statement*

In that regard ASEAN is uniquely positioned to provide insight into this inquiry within the mandate enshrined in our Constitution, which is rooted in the protection of human rights and the defense of core Australian values. In another milestone recognition of the Network, the [Honourable Minister Jihad Dib MP issued a Community Recognition Statement](#) during a special recall of Parliament, post-Bondi Beach terror killing, said on 22 December 2025:

*I would like to congratulate the Australian South East Asian Network, who have marked a defining milestone in their journey of advocacy, inclusion, and community empowerment. The ASEAN is dedicated to promoting social cohesion, cultural understanding, and the shared values that unite our diverse nation. In a historic moment, on 11 September 2025, the ASEAN—founded and led by a former Cambodian refugee Sawathey Ek OAM—had its Constitution formally recognised by the High Court of Australia. This significant achievement was officiated by His Honour Justice James Edelman AC, who also serves as the Network's Honorary Patron. Guided by its newly registered Constitution with ASIC, the ASEAN continues to strengthen connections between Australian and South East Asian communities. Its mission focuses on fostering inclusion, advancing intercultural and interfaith dialogue, and empowering vulnerable groups from CALD and Indigenous Australian backgrounds. Congratulations to Sawathey Ek OAM and the Board of Directors, for your commitment to the South East Asian community. Your work and success are a powerful reminder that diversity is not only to be celebrated but also to be shared as a force for national unity and progress.*

Our submission highlights the direct link between the military Junta's actions in Myanmar and contributing to Australia's social cohesion, migration integrity, and regional security.

## **B. Regional Instability and the "Junta-Hun Sen" Nexus - Systematic Violations of Human Rights**

The [Myanmar military Junta's leadership](#) has created a "contagion of instability" that affects not just Australia but also the region.

- **Dictatorial Synergy:** We note with grave concern the ideological and tactical links between the Myanmar regime and the regime of **Hun Sen** in Cambodia. This alliance undermines regional democratic standards and bypasses the collective will of the people.

- **Economic and Social Cost:** The Junta's killing of civilians <sup>1</sup>has forced many students and residents in Australia into a state of permanent exile. Unable to return home safely, they are forced to lodge **Protection Visas**, which carries a significant cost to the Australian economy and places strain on the migration system. This displacement has been further intensified by the reactivation of compulsory military service under Myanmar's People's Military Service Law (**Conscription Law**), which compels civilians to serve under threat of arrest or imprisonment. Flight in this context is a foreseeable consequence of state coercion, as return would expose individuals to forced recruitment or punishment for evasion, engaging Australia's non-refoulement obligations and confirming that rising protection claims reflect structural persecution rather than irregular migration.<sup>2</sup>
- **Foreign Revenue Flows and External Enablement of Military Rule:** The regime's resilience is sustained through continued access to foreign-derived revenue and external economic engagement, despite widespread domestic opposition and international condemnation. Recent memoranda of understanding associated with the junta leader's external engagements demonstrate how cooperation with military-linked entities provides financial inflows and political validation by conduct, notwithstanding ongoing violations of international law. In the absence of clear rejection or consequence, such engagement risks financing repression and contributing to legitimacy laundering by normalising authority exercised through unlawful force.<sup>3</sup>
- **Social Cohesion:** The export of authoritarian tactics into the diaspora community threatens the peaceful "fair go" that all Australians enjoy, as members fear retribution from regime-affiliated actors.
- The **UN General Assembly Resolution 80/L.32** (adopted in November 2025) and **Human Rights Council Resolution 58/20** (April 2025) provide international legal weight to our claims of systematic abuse:
  - a. **Systemic Violence:** These resolutions "strongly condemn the widespread and systemic human rights violations" and express grave concern over the "excessive use of force, including aerial attacks, mass killings, torture, and sexual violence."
  - b. **International Non-Compliance:** The UN has noted a "25-fold increase in airstrikes" since the 2021 coup, highlighting a flagrant disregard for **UN Security Council Resolution 2669 (2022)**, which demanded an immediate end to all forms of violence.

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<sup>1</sup> **IIMM Annual Report: Report of the Independent Investigative Mechanism for Myanmar. A/HRC/60/18**, released **12 August 2025**.

○ *Evidence:* Documented "systematic torture in Myanmar detention facilities" and a "continued increase in the frequency and brutality of atrocities."

<sup>2</sup> Myanmar People's Military Service Law (re-activated February 2024), mandating compulsory military service for men aged 18–35 and women aged 18–27, with criminal penalties for evasion. Under Australia's Migration Act 1958 (Cth), exposure to forced conscription, punishment for refusal, or compelled participation in military activities linked to international humanitarian law violations may constitute a real risk of "serious harm" for the purposes of Australia's non-refoulement and complementary protection obligations; see also UN Special Rapporteur and OHCHR reporting on conscription-related displacement in Myanmar.

<sup>3</sup> Institute for Strategy and Policy – Myanmar (ISP-Myanmar), Political Economy Tracker 2025: Foreign Revenue, Conflict Dynamics and Regime Sustainability, ISP-PET2025-01 (September 2025), analysing the role of foreign-derived revenue and external economic engagement in sustaining Myanmar's military regime amid ongoing conflict and international sanctions.

- c. **UN General Assembly Resolution:** Resolution on the Situation of human rights of Rohingya Muslims and other minorities in Myanmar. A/C.3/80/L.32/Rev.1, adopted by the [Third Committee of the 80th Session of the UN General Assembly, 19 November 2025](#).<sup>4</sup>

This resolution strongly condemns the military's "excessive use of force, including aerial attacks, mass killings, and torture," and specifically notes the illegitimacy of elections held under such conditions.

Human Rights Council Resolution: Resolution 58/20: Situation of human rights in Myanmar. [Adopted by the UN Human Rights Council at its 58th Session, April 2025](#).

## C. Evidence Human Rights Breaches and Failed Nation-Building

The Junta's actions constitute a systematic rejection of international conventions and standards:

- **Violation of Standards:** The killing of civilians and political executions are direct violations of international humanitarian law.
- **Failed Nation-Building:** Australia has spent decades contributing to nation-building and governance training in Myanmar. The current regime's non-compliance with international standards represents a total destruction of Australia's long-term investment in the country's development.
- **OHCHR Regional Briefing:** Concerns over Myanmar's upcoming elections. [OHCHR Press Briefing Note, 28 November 2025](#) highlights the exclusion of major political parties and the detention of over 30,000 political opponents, creating the instability that drives the Protection Visa surge, which reflects a structural outcome of junta violence, not voluntary migration.

## D. The "Foregone Conclusion" of the Phased Elections

ASEAN Ltd asserts that the phased elections scheduled from December are a **foregone conclusion**. They are a calculated attempt to wrap military rule in a "veneer of democracy." Without the participation of the NLD and other genuine opposition groups, these elections lack any legal or moral standing and must be rejected in their entirety.

Beyond electoral legitimacy, the phased elections function as an instrument of authoritarian power consolidation rather than an expression of popular sovereignty. Consistent with Myanmar's military governance practices, the process is designed to secure elite compliance by tying political participation, economic privilege, and de facto immunity from accountability to regime survival. Through controlled appointments and electoral candidacies, the junta seeks to suppress internal dissent and stabilise its ruling coalition amid significant military setbacks.

Crucially, the regime does not require formal international recognition of the outcome; it benefits from the absence of clear rejection or consequence. In this context, silence or procedural neutrality risks constituting tacit acquiescence, undermining the principle of non-recognition and enabling the continued exercise of authority in violation of international human rights and humanitarian law.

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<sup>4</sup> Security Council Resolution: UNSC Resolution 2669 (2022). Adopted 21 December 2022.

Note: This remains the primary Security Council mandate demanding an immediate end to all forms of violence and the release of all arbitrarily detained prisoners.

See also High Commissioner Report: Türk, Volker. Situation of human rights in Myanmar - [Report of the United Nations High Commissioner for Human Rights. A/HRC/59/57, submitted 26 May 2025](#), stating:

*Our assertion that the current elections are a strategic sham is echoed by the UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews. Following the first phase of voting on 28 December 2025, Mr. Andrews issued a definitive statement on 8 January 2026:*

*By all measures, this is not a free, fair nor legitimate election. It is a theatrical performance that has exerted enormous pressure on the people of Myanmar to participate in what has been designed to dupe the international community.*

Tom Andrews further characterized the process as a "[junta-orchestrated sham](#)" designed to entrench military rule rather than reflect the will of the people, noting that opposition leaders remain imprisoned or tortured.<sup>5</sup>

[Special Rapporteur, Tom Andrews further said:](#)

*By all measures, this is not a free, fair nor legitimate election... it is a theatrical performance designed to dupe the international community.*

*Thousands have been killed – why would I vote?*<sup>6</sup>

## **E. Conclusion: The Cost of Historical Silence**

In conclusion, ASEAN Ltd notes with grave concern that the international community, including Australia, allowed the situation to slide to this critical stage.

The international community and Australia could have taken early actions to protect democracy and human rights situation in Myanmar, with one [outlet](#) notes the "political economy that enables the Myanmar military to continue its repression" and argues that the lack of accountability and coordinated international pressure has allowed the junta to prioritize military spending (reaching 62% of public debt in 2024/25) over civilian needs.

In Myanmar and as in the case of Cambodia, Australia's foreign policy was significantly ineffective in the early days of violent regimes exhibiting signs of egregious human rights violations against their own people. When the regime first began to dismantle human rights protections and institutionalize corruption, Australia remained largely silent. This period of inaction and "quiet diplomacy" failed to deter the military's ambitions, directly leading to the current humanitarian catastrophe. Australia must now rectify this historical hesitation with decisive action.

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<sup>5</sup> Special Rapporteur Statement: Andrews, Tom. "UN expert: First round of voting in Myanmar exposes junta-orchestrated election as illegitimate." Office of the High Commissioner for Human Rights (OHCHR), Press Release, 8 January 2026.

<sup>6</sup> See: UN Special Rapporteur Tom Andrews, Press Release, "UN expert: First round of voting in Myanmar exposes junta-orchestrated election as illegitimate," 8 January 2026.

## Recommendations

On behalf of the Australian South East Asian Network, we urge the Committee to consider making recommendations to include Australia:

1. Moves from soft diplomatic language such as “we concern” to “we condemn the Result” by proactively and unequivocally declaring the December electoral process is illegitimate.
2. **Sanction the Regime:** Expand targeted financial and travel sanctions against the military elite and their business proxies.
3. **Defend Migration Integrity:** Take active measures to protect Australia's migration integrity by fast-tracking protection for Myanmar nationals currently in Australia.
4. **International Leadership:** Take a leading role in the international community to demand a return to an inclusive civilian government.

### Authorised by:

Sawathey Ek OAM AFM

Chair, Founder and CEO of ASEAN Ltd

