

Open Letter to ASEAN Leaders: Recommendations to the ASEAN Special Summit on Myanmar

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Open Letter to ASEAN Leaders: Recommendations from CSOs in Myanmar and in Southeast Asia to the ASEAN Special Summit on Myanmar

To: Leaders of the Member States of the Association of the Southeast Asian Nations (ASEAN)

Dear Excellencies,

In alignment with the upcoming special ASEAN Summit on Myanmar on 24 April 2021, we, the undersigned XX civil society organisations in Myanmar and in other Southeast Asian nations, call on the ASEAN, its leaders and Member States to come up with an effective and sustainable strategy jointly with the United Nations Security Council, the United Nations Human Rights Council, the International Criminal Court (ICC), and other international community actors when addressing the illegitimate and brutal coup and atrocity crimes committed by the military junta in Myanmar.

We welcome the decision to hold the ASEAN Special Summit on Myanmar, based on the proposal made by President Joko Widodo of the Republic of Indonesia to discuss the worsening situation in Myanmar following the violent crackdowns against peaceful protesters and the terror campaign against civilians launched by the junta. The decision which hopefully constitutes a precedent and reflects the commitment of ASEAN Member States leaders to address Myanmar's appalling situation using its highest-level policy-making body.

However, in view of ASEAN Member States' differing position on the coup in Myanmar, we remain concerned that the ASEAN Summit's response will be to consider the crisis as being within Myanmar's domestic affairs and therefore deciding to refrain from any meaningful action in line with the "ASEAN Way" of non-interference and overzealous respect for state sovereignty.

The differing positions of ASEAN Member States has made it difficult for ASEAN to reach a consensus and resulted in equivocations and delayed responses from ASEAN, while the military junta continued its deliberate, murderous attacks on Myanmar's people, much to our sorrow and anger. As evidenced from the outputs produced by the Informal ASEAN Foreign Ministers Meeting (IAFMM), ASEAN responses fall well short of meeting the will of the people of Myanmar. The chair statement of IAFMM meeting neither specifically publicly called out the junta's brutality nor called for stronger cooperation with the UN Security Council and Human Rights Council. Further, it also fails to mention ASEAN's commitment to supporting targeted economic sanctions against military personnel and business and global arms embargo and referral of Myanmar situation to International Criminal Court (ICC).

With the different interest and political will of ASEAN Member States at the moment, we are

concerned to what extent the ASEAN Special Summit can create an immediate and meaningful intervention to resolve the situation of Myanmar. ASEAN's collective and meaningful action to uphold democracy is warranted at this time. Any decision by the ASEAN Leaders to treat the military junta as the legitimate representative of Myanmar in the Summit will serve to legitimize the military junta's crimes and will thus damage not only the relationship of ASEAN with the people of Myanmar but the movement for democracy and human rights in the region as a whole.

Further, The ASEAN and its Member States must recognise the legitimacy of the National Unity Government, the legitimate and democratically-elected government of Myanmar, given that it represents the 76% of elected Member of Union Parliament, ethnic leaders, the civil disobedience movement, and general strike committees endorsed by the people of Myanmar. Therefore, Myanmar must be represented by the National Unity Government; not by the illegal junta who is trying to take full control of the country through unprecedented brutality.

As we send this letter to the ASEAN Leaders, the violence and killings by the Myanmar military against protesters continue with no sign of abating. The junta have so far arbitrarily arrested 3229 people and killed 737, including women, elderly people and children. [1] In Karen and Kachin ethnic areas, the junta has been bombing villages, displacing more than 20,000 villagers. Given the gravity of the situation, the increasing number of victims, and the impact of the crisis on the region's security and political stability, we urge ASEAN to take firm and effective actions to address the Myanmar coup through the ASEAN Special Summit.

We urge all ASEAN leaders to listen to, to strongly consider, and to heed to the aspirations and will of the peoples of Myanmar. The voices of Myanmar people who have risked their lives in defense for democracy and justice must be the anchor, the conscience, behind any modality and outcome of the ASEAN Special Summit on Myanmar.

Therefore, in solidarity with the peoples of Myanmar, we we call on the ASEAN Leaders to immediately take the following action:

- Reject the presence of illegitimate military junta as the representative of Myanmar in the Summit;
- Give the seat of Myanmar in the ASEAN Summit to its legitimate representative, the National Unity Government;
- Call for all violence against citizens and peaceful demonstrators to cease, for the release of all political prisoners, including human rights defenders, protesters and protest leaders and journalists, and the lifting of all restrictions on the internet and on communications more generally;
- Establish a solid and coordinated response between ASEAN, the United Nations Security Council and the United Nations Human Rights Council with the aim of sending a joint delegation to Myanmar to monitor the situation, stopping the violence and helping negotiate a democratic and human rights-based solution;
- Fully support initiatives by the international community to impose a global arms embargo and targeted economic sanctions against the military, their personnel and business entities related to them and for the UN Security Council to refer the Myanmar situation to the ICC;
- Ensure access for humanitarian aid and health support to all affected areas in Myanmar including opening cross-border humanitarian aid corridors;
- Put the safety, security, and wellbeing of Myanmar asylum seekers and refugees, including the Rohingya, as one of its priorities;

● ASEAN countries must not return Myanmar migrant workers back home regardless of their status. ASEAN destination countries should extend the Myanmar migrant workers employment contracts for another year or more;

● Take substantial measures against Myanmar, including suspending Myanmar's membership of ASEAN. ASEAN shall only lift the suspension once the military junta accepts the authority of National Unity Government, the military places itself fully, permanently and unconditionally under NUG control, the junta is brought to the ICC, and the democracy is fully established.

Only by moving beyond the "ASEAN Way" of consensus and non-interference can ASEAN intervene in the Myanmar situation in a meaningful and robust way. Myanmar is on the verge of becoming a failed state., and it is in ASEAN's best interest to take a firm stance on these urgent and distressful developments. Failure to do so risks not only further damaging ASEAN's reputation as an effective regional body that can meaningfully contribute to a solid, just, humane and viable community of nations but will undermine ASEAN's efforts to achieve its vision and mission of community building.

The list of signatures will be published later.

Footnotes

[1] Data from the Assistance Association for Political Prisoners (AAPP) as of 18 April 2021