

Written Submission of the Women's League of Burma (WLB)

&

Women's Advocacy Coalition (WAC-M)

to

ASEAN Parliamentarians for Human Rights

**in response to its International Parliamentary Inquiry into the
International Response to the Coup in Myanmar**

20 July 2022

The Women's League of Burma (WLB) is an umbrella organization comprising 13 ethnic women's organisations of different ethnic and political backgrounds, established in 1999. Its vision is a federal democratic union of Burma premised on genuine peace, social and political justice and gender and ethnic equality. WLB's mission is to advance the status of women towards a peaceful, just, federal democratic union of Burma.

The Women Advocacy Coalition Myanmar (WAC-M) represents a broad array of women's rights advocates, women peacebuilders, and Women's Rights Organizations/networks in Myanmar. WAC's mission is to abolish all forms of dictatorship and build gender responsive federal democracy in Myanmar.

I. **Response to Question 4: What has ASEAN contributed so far in resolving this crisis? What else can be done?**

1. ASEAN has a critical role to play in resolving the crisis, as the Burmese military's¹ illegal usurpation of power has had wide-ranging negative consequences on regional stability and politics. ASEAN's five-point consensus and conciliatory approach, however, are not workable and have failed to make any progress towards finding a durable solution. The Burmese military has resisted all pressure to meet consensus targets, including releasing political prisoners, cessation of violence and dialogue with all the stakeholders, and have consistently demonstrated bad faith.
2. Any ASEAN engagement with the Burmese military is tantamount to condoning their brutal actions, and will prolong the life span of the rule of the military junta with far-reaching and devastating impacts. The people of Burma/Myanmar have openly and bravely rejected military rule. They have staged peaceful protests and coordinated a civil disobedience movement (CDM), including two major silent strikes where the streets were completely empty. Whatever power the military possesses has been secured by brutal force, through arms gained at the expense of the well-being of the country.
3. ASEAN's approach has focused far more on appeasing the Burmese military than on respecting the interests and will of the people of Burma/Myanmar, which runs counter to the ASEAN Chair's pledge in April 2021 that any resolution should be ".....in the interest of the people of Myanmar." It is paramount that ASEAN abandon its conciliatory approach and work with the international community and the people of Burma/Myanmar to take immediate and meaningful action to curb the military's brutal campaigns and ensure a real, long-term, and durable solution to the crisis. Instead of focusing on placating the military and clinging to its doomed consensus, ASEAN must take and support bold efforts, including refusing to engage with or recognize the Burmese military or its proxies, supporting the pro-democracy movement and dealing only with the legitimate representatives of the people's will, the National Unity Consultative Council (NUCC) and the National Unity Government (NUG). Further, ASEAN member states must individually take action to financially isolate the military by issuing targeted sanctions and ceasing all business with military entities to starve it of the resources it uses to finance escalating attacks on civilians. Failing to do so, and continuing to engage with the Burmese military, risks ASEAN becoming complicit in the junta's crimes and violates ASEAN's mission to maintain regional stability and people-centered community.
4. The Burmese military is only furthering its agenda, seeking to add a false patina of legitimacy to its illegal regime, by planning to hold a sham election in 2023. The people of Burma/Myanmar will not accept the election as it will not be free, fair, inclusive, or legitimate. The military Junta has a long track record of manipulating previous elections and rejecting results, not in its favor. ASEAN and the international community must see through this blatant attempt to subvert democracy, insist on electoral integrity, and refuse to recognize the election results of 2020.

¹ The term "Burmese military" in this submission means the Armed Forces of Burma, including the army, navy, and air force. It also includes security forces under the control of the Armed Forces of Burma such as the police and border guards.

5. ASEAN has failed to ensure that women are a meaningful part of resolving the crisis, despite claiming that “women’s voices and leadership are key to sustaining peace, stability, and development” and that advancing women, peace, and security (WPS) is a regional priority agenda item. These commitments have been abandoned now that ASEAN is faced with a real-world opportunity to implement them. Engaging only with the Burmese military, which has long excluded women, is a tacit acceptance of women’s marginalization. ASEAN must not spearhead or participate in any peace process that does not include women and must focus greater resources and energy on following through in practice on the many commitments it has made in principle.
6. ASEAN must do more to draw greater international attention to the crisis and the plight of refugees and internally displaced persons (IDPs). While ASEAN has stubbornly clung to its doomed consensus, global attention has been diverted to other parts of the world.

II. Response to Question 6: How can the international community/governments support justice for victims and provide redress for the junta’s crimes?

1. The Burmese military has been committing atrocities and grave violations in ethnic areas for over 70 years. Since the coup, the Burmese military and its proxies, have accelerated and broadened the terror campaign against civilians, committing systematic and widespread mass killings, massacres, sexual violence, and indiscriminate and disproportionate attacks on civilians. Atrocity crimes include, but are not limited to, torturing and beheading civilians, killings, airstrikes, and burning villages (including over 19,000 houses). The Burmese military’s unrelenting attacks against civilians fully meet the definition of terror under international and national law and amount to violations of international humanitarian law and human rights laws. The United Nations has concluded these atrocities amount to crimes against humanity and, potentially, war crimes.
2. Women and young girls face serious and escalating threats and risks under the rule of the Burmese military. Economic hardship and lack of security push women and young women to fall victim to trafficking gangs and to agree to slave-like labour conditions. The level of gender-based violence (GBV) and conflict-related sexual violence (CRSV) has increased since the coup, as the Burmese military and civilians have taken advantage of the violent chaos engulfing the country. Survivors of grave crimes, including CRSV, GBV and domestic violence, are unable to access any justice in the current context as even the former unreliable domestic legal system and justice mechanisms have practically collapsed under the current military junta. The women of Burma/Myanmar currently face massive protection needs which ASEAN must address.
3. ASEAN must support and institute efforts to ensure that these perpetrators are held accountable for their crimes. The Burmese military has long enjoyed impunity for its actions, which has contributed to the current crisis. International justice and accountability are crucial since domestic legal mechanisms are virtually nonexistent. Therefore, ASEAN must fully and unequivocally support all efforts to ensure justice, including by instituting a regional accountability mechanism and supporting international accountability efforts, such as those already underway at the International Court of Justice and the International Criminal Court.
4. ASEAN must build regional-level protection mechanisms for those fighting for democracy and justice, especially women, and develop a comprehensive protection plan that supports CRSV

survivors, women human rights defenders (WHRD), and women peacebuilders and provides these at-risk women a safe haven. ASEAN must also ensure that any resolution to the crisis, and its WPS Regional Action Plan, have a clear mandate for justice and accountability mechanisms for CRSV and other survivors. Finally, the current military junta's representatives to the ASEAN Commission on the Promotion and Protection of Women and Children and the ASEAN Committee on Women must not be allowed to continue in their roles as they do not represent the people's interests and are only mouthpieces of an illegitimate regime.

III. Response to Question 7: To what extent is humanitarian aid reaching the people in need in Myanmar? What can be done to ensure effective delivery of aid?

1. The humanitarian needs in Burma/Myanmar are staggering. The Burmese military has carried out extensive offensives and burning of villages as part of its Four-Cuts Strategy to cut off telecommunication, food, money, and intelligence in Karen, Karenni and Chin states, and the Sagaing and Magway regions. These brutal, escalating campaigns have left over one million IDPs - amounting to one in every ten people. IDPs must deal with food scarcity, lack of shelter, and inadequate medical care. Humanitarian workers cannot access those in greatest need, and ASEAN efforts to deliver humanitarian aid, through the ASEAN Coordinating Centre on Humanitarian Assistance for disaster management (AHA Centre), have not come to fruition since it has not been able to conduct a needs assessment. Given this dire situation, brave volunteers have stepped in to help despite security risks. The Burmese military targets these courageous civilians, leading to regular harassment, arrest, and frequently being killed.
2. Teaming with the Burmese military and/or its proxies for humanitarian aid delivery is completely ill-advised and counterproductive. The Burmese military has caused the crisis and is not to be trusted with aid delivery to areas that it is currently attacking. The AHA Centre must prioritize aid that will be inclusive of the whole population and respect the concerns and demands of civil society organizations (CSOs), CDM, other pro-democracy forces, and civilians to avoid any contact and cooperation with the military or its proxies. Civilians will not accept humanitarian aid distributed through any military-affiliated channel as they are afraid of backlash and there is a risk that the Burmese military will instrumentalize aid.
3. Rather, ASEAN and the international community must create an enabling environment for humanitarian aid actors to directly support those in need. The AHA Centre must work and collaborate with CSOs, communities, Ethnic Health Organisations (EHOs), and Ethnic Resistance Organizations (EROs) to build channels for providing cross-border assistance. Only these groups are in a position to distribute humanitarian aid to more than a million IDPs. Moreover, ASEAN must mediate efforts for humanitarian access by working with neighboring countries, such as Thailand, to open a humanitarian corridor to provide assistance to local aid actors. ASEAN and the international community must work together to reduce barriers for cross-border aid delivery and protect aid workers from harassment.

IV. Response to Question 8: What protection is being given and what is lacking for Myanmar refugees?

1. The first and greatest need is for the Burmese military to cease attacking civilians, including by ending the consistent airstrikes that violate international law. ASEAN must work with the international community to ensure an immediate cessation of hostilities and support imposing an arms embargo with a robust monitoring regime and cutting off supplies of aviation fuel to the Burmese military.
2. Refugees, IDPs, and others on the move seeking safety require tremendous support, especially during the current rainy season. Malaria, dengue fever, and other waterborne diseases are rampant and poisonous snakes are a scourge within refugee communities. Especially in Karenni State, drought, water shortages, and poor water quality have resulted in civilians not being able to meet basic hygienic needs and falling ill. Dry goods and food items are being depleted and food insecurity is acute. Civilians, especially women, have had to travel deep into the jungle with, at best, a few pieces of clothing. During the rainy season, clothing does not dry which poses additional challenges and causes health consequences. Women face additional health challenges, including premature births, underweight births, and increased infant mortality. This dire situation presents formidable challenges and significant barriers to accessing aid distribution.
3. The AHA Centre must not work with the Burmese military and/or its proxies but is instead cooperate only with CSOs, EHOs, and EROs to deliver cross-border aid to meet the urgent need for basic shelter, food, and medicine. In particular, anti-venom medicine and basic first aid kits with emergency medicines are needed. Women require targeted assistance, including women's dignity and delivery kits, lactating mothers' support, and SHRH assistance. These should be delivered in consultation with trusted local aid actors only, such as EROs and refuge and IDP support groups, who are doing what they can to provide life-saving assistance and working hard to connect with donors and other assistance. However, people are working on a voluntary basis which is not sustainable in the long term.
4. ASEAN must urgently address country-wide food shortages, ensuring that culturally-sensitive and nutritious dry foods that meet local needs are included in food distribution packages. For example, ASEAN should include Sprinkles food supplement powder in humanitarian assistance packages.
5. ASEAN and other donors must streamline aid procedures and delivery to be user-friendly. Donor groups must find innovative and alternative ways, using existing reliable social networks, to distribute aid outside of military channels. Distribution procedures must be adaptive, flexible, and responsive to local needs. In addition, donors must greatly reduce or eliminate administrative burdens on aid groups and volunteers.