



House of Commons
Foreign Affairs Committee

The UK Government's Response to the Myanmar Crisis

Fourth Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

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Summary

The situation in Myanmar (Burma) is grave. The Myanmar military, the Tatmadaw, is continuing its violent crackdown on protestors, which has led to hundreds of deaths and thousands of disappearances. A crisis of this scale requires swift, coordinated action, and the many thousands of people who have been displaced by the violence urgently require humanitarian assistance.

The UK holds a number of unique roles and responsibilities which allow it to lead on preventing further violence and ensuring essential humanitarian support reaches those who need it. The Government has taken some strong measures in response to the coup and the violence, but there is much more that it can do. In this report we recommend a number of actions the UK Government should take to help reduce the violence against civilians. At a time when the Government is planning greater engagement with the Indo-Pacific, Myanmar presents a test of how effective our policy in the region can be.

We recommend that the Government take further steps to secure a binding arms embargo on Myanmar, widen its sanctions approach to include a much broader range of people and organisations, provide humanitarian and logistical support to ethnic advocacy and media organisations, and take steps to ensure that those perpetrating these crimes will face justice in the future.

Effective mediation in Myanmar requires concrete action. Failure to do so in the past has led to the crisis we see today. Failure to do so in the future will only lead to further violence, instability and loss of life.

1 Introduction

1. In February 2021, the Myanmar military staged a coup which led to the deposition and detention of the country's democratically elected representatives, and the military taking control of the country. The protests and violence that have followed the coup have led to hundreds of deaths, thousands of disappearances, and tens to hundreds of thousands of displaced people. Evidence from diaspora groups paints a harrowing picture: many speak of family members who have been unlawfully detained and many others who are beyond contact.¹

2. The Tatmadaw² staged this coup and declared a state of national emergency following their claims that the 2020 General Election was compromised by mass voter fraud. It has provided no evidence for these claims.³ The election has been found by international observers to "reflect the true will of the electorate".⁴

3. While there has been much international condemnation of the coup and the military junta's violence against protestors, there has been little substantial action taken. Months on from the coup, clear proof that the junta is committing serious crimes against the Myanmar people continues to surface regularly. Statements of condemnation have not and will not prevent these crimes—only clear action will.

4. The need for this action is urgent. Dr Sasa, the Minister for International Cooperation in the democratically elected National Unity Government (NUG), said:

It is a pivotal movement in our history. The darkest hour in our history which was heading to the great civil war and genocide. Some 54 million brave people of Myanmar are facing the cruellest military junta.⁵

The UK has a unique role to play. As the United Nations Security Council 'penholder' on Myanmar, and as an accepted Dialogue Partner to the Association of Southeast Asian Nations (ASEAN),⁶ there are several fronts on which the UK can exert further diplomatic influence. This crisis is also a major test of the effectiveness of the UK's tilt to the Indo-Pacific region, as announced in the Integrated Review of Security, Defence, Development and Foreign Policy.⁷ If the Government is serious about building its influence in the region it should show a willingness to take moral leadership and prevent further conflict and loss of life. This report sets out what more the UK Government could and should do.

1 NUG Campaign UK ([MYA0035](#)) para 8

2 Although the military is called the Tatmadaw, we generally use the term 'junta' throughout this report, recognising that the military's control is illegitimate and achieved only through force. The junta have threatened legal action against foreign news organisations using this term, evidencing the regime's insecurity and the effectiveness of publicly questioning their legitimacy. See: Reuters, [Myanmar's army rulers threaten those who call them junta](#), 30 June 2021

3 BBC News, [Myanmar election: No evidence fraud in 2020 vote, observers say](#), 17 May 2021

4 Asian Network for Free Elections, [ANFREL RELEASES 2020 MYANMAR GENERAL ELECTIONS FINAL OBSERVATION MISSION REPORT](#), 17 May 2021

5 [Q3](#) [Dr Sasa]

6 Foreign, Commonwealth and Development Office ([MYA0020](#)) para 23

7 HM Government, [Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy](#), March 2021, p 66

Box 1: Explainer: Penholders and Dialogue Partners

The Penholder System: The Security Council 'penholder' on a specific country is responsible for drafting outcomes, holding emergency meetings, organising debates, and chairing negotiations over drafts and speaking first whenever the Council discusses the issue. The UK is the penholder for Myanmar.

ASEAN Dialogue Partner: Dialogue Partner status is conferred to countries with strong ties to ASEAN, but which are located outside of Southeast Asia. The Government considers Dialogue Partner status to "give the UK high-level access to ASEAN reinforced by deeper practical cooperation" and "further build the UK's strong relationships across the ASEAN region".

Source: Security Council Report, [The Penholder System](#), 21 December 2018; Gov.uk, [UK seeks to boost ties with Southeast Asia through ASEAN](#), 5 June 2020

5. In this short inquiry, we held a single oral evidence session. We received 55 submissions, publishing 36.⁸ We are grateful to all those who gave evidence.

6. Chapter 2 of this report addresses the multilateral and diplomatic action required of the UK Government. Chapter 3 addresses measures needed to strengthen the UK's approach to sanctions. Chapter 4 outlines the steps needed to ensure adequate humanitarian support reaches those affected by the crisis. Chapter 5 explores ways of holding the junta accountable in the future, and Chapter 6 outlines measures to support Myanmar nationals in the UK.

8 Those withheld from publication were at the request of the submitters, as they feared that publication could endanger colleagues, friends or relatives who are active in Myanmar. Although not referenced explicitly in this report, these submissions were vital in informing our approach.

2 Diplomatic and multilateral action

7. Since the February coup, the United Nations Security Council has adopted a number of statements, but no legally binding resolutions.⁹ On Friday 18 June, the United Nations General Assembly adopted a non-binding resolution calling for all Member States to “prevent the flow of arms into Myanmar”.¹⁰ On the effectiveness of statements, written evidence from Burma Campaign UK said:

The Burmese military consists of people who are soldiers, not diplomats. They respect strength, not statements. What might be considered something of major diplomatic significance by many UN members may be perceived as insignificant by these authoritarian generals.¹¹

8. If the UK is to fulfil its unique potential to mediate, it has to demonstrate a willingness to take action beyond statements. A coherent and concerted response is needed by the United Nations if the junta is to feel any real pressure. Actions should be taken to de-legitimise the junta’s authority, block its supply of arms, and encourage regional actors to take firmer measures.

The National Unity Government (NUG)

9. The National Unity Government of Myanmar consists of parliamentarians elected in the 2020 election, members of various ethnic groups, and figures in the anti-coup movement.¹² Given the evidence we have heard, and the NUG’s active role in promoting democracy in Myanmar, we believe that they, not the junta, represent the legitimate and expressed will of the Myanmar people.¹³ However, the UK Government’s policy of recognising states, rather than governments, is an obstacle to the recognition of these legitimate representatives.¹⁴

10. The UK Government cannot be said to support democracy in Myanmar if it does not recognise the outcome of democratic elections in Myanmar. The National Unity Government comprises the legitimate representatives of the people of Myanmar, whose election has been found valid by third party observers. Rather than an exile government, the NUG should be treated as a government-in-waiting.

11. Offering support to the NUG would be a powerful step toward de-legitimising the junta. Following our decision to take evidence from Dr Sasa, the NUG’s Minister for International Cooperation, the junta’s sham ‘Ministry of Foreign Affairs’ conveyed their protests to us via the Foreign, Commonwealth and Development Office. Their letter said:

The Ministry of Foreign Affairs of the Republic of the Union of Myanmar presents its compliments to Her Britannic Majesty’s Embassy and has the honour to inform the latter that the Ministry has learnt that the UK

9 Global Centre for the Responsibility to Protect (MYA0026) para 4.2

10 United Nations, [Myanmar: Timely support and action by Security Council ‘really paramount’, says UN Special Envoy](#), 18 June 2021

11 Burma Campaign UK (MYA0009) para 12

12 NUG Campaign UK (MYA0036) para 6

13 Global Movement for Myanmar Democracy (MYA0013) para 3

14 Foreign, Commonwealth and Development Office (MYA0020) para 11

Parliament's Foreign Affairs Committee held an evidence session as part of its inquiry on Myanmar and has communicated with Dr. Sasa, member of the terrorist group called the National Unity Government (NUG).

...

The Ministry strongly protests against the recent official communication made by the Foreign Affairs Committee with representatives of the above mentioned terrorist groups of Myanmar and requests the Government of the United Kingdom of Great Britain and Northern Ireland to convey the protest note to the UK Parliament's Foreign Affairs Committee.

12. This objection—as well as the crude and baseless labelling of the NUG as a 'terrorist' organisation—demonstrates the junta's sensitivity to anything that threatens its legitimacy. Continued support for the NUG will demonstrate that the junta will not be recognised by the international community, nor will its violent and oppressive methods.

13. The NUG's commitment to human rights and recognising the rights and equality of different ethnic groups is welcome, with Dr Sasa sharing the NUG's commitment to drafting a constitution which recognises the equality of all people living in Myanmar.¹⁵ We welcome the submission from the NUG's Ministry of Human Rights, which notes the intent to support the Rohingya and bring justice for the "grave human rights violations and atrocities they have suffered".¹⁶ Any cooperation with the NUG should be contingent on continued and unequivocal support for different ethnic groups in Myanmar, and for ensuring accountability for past human rights violations.¹⁷

14. ***We recommend that the UK Government supports the democratically elected National Unity Government of Myanmar by working with its representatives to identify and push for peaceful outcomes and draw attention to the junta's illegal actions. This support should be contingent on the NUG's clear and continued commitment to the rights of different ethnic groups and minorities, and to delivering justice for past crimes. The UK should work to encourage other countries to do the same.***

15. **It is essential that the UK Government's actions do not appear to legitimise the authority of the junta in any way. Any actions that do will be seized upon by the junta and used as propaganda. Engagement should be strictly limited to increasing diplomatic and economic pressure to reduce the violence the junta is committing against civilians.**

15 [Q3](#) [Dr Sasa]

16 Aung Myo Min (Minister for Human Rights at Ministry of Human Rights of the National Unity Government of Myanmar) ([MYA0044](#)) para 1.5

17 Oxford Programme on International Peace and Security at University of Oxford Blavatnik School of Government ([MYA0017](#)) para 6

Arms embargo

16. We heard from multiple sources that the imposition of an arms embargo against the Myanmar military will be a crucial step in stopping the violence, as would the cessation of other countries providing training to the military.^{18 19} Although not a binding resolution, we are encouraged by the recent United Nations General Assembly vote calling for all countries to “prevent the flow of arms into Myanmar”.²⁰ It is important that the political momentum from this vote does not subside, and that the support shown by so many countries is turned into more concrete action.

17. **Freezing the Tatmadaw’s supply of arms should be the first priority of all those who wish to see violence in Myanmar come to an end. We recommend that the UK draft a United Nations Security Council resolution calling explicitly for an arms embargo on Myanmar in order to gauge the current level of support and the type of diplomatic engagement that is required to establish an effective arms embargo. The ultimate objective of the UK should be securing a binding Security Council resolution on an arms embargo on Myanmar.**

18. **In the absence of a binding UN resolution on an arms embargo, we recommend that the UK works bilaterally and with groups such as the G7, the Quad, and the Five Power Defence Arrangements to build broader coalitions that will implement individual arms embargos, while also maintaining pressure and support for an official United Nations arms embargo. Pressure should also be applied to other countries to cease all training of the Myanmar military.**

ASEAN

Box 2: The ASEAN Five-point Consensus

First, there shall be immediate cessation of violence in Myanmar and all parties shall exercise utmost restraint.

Second, constructive dialogue among all parties concerned shall commence to seek a peaceful solution in the interests of the people.

Third, a special envoy of the ASEAN Chair shall facilitate mediation of the dialogue process, with the assistance of the Secretary General of ASEAN.

Fourth, ASEAN shall provide humanitarian assistance through the [Coordinating Centre for Humanitarian Assistance].

Fifth, the special envoy and delegation shall visit Myanmar to meet with all parties concerned.

Source: ASEAN, [Chairman’s statement on the ASEAN leaders’ meeting](#), 24 April 2021

19. We are concerned that the ASEAN five-point consensus has little hope of being effective in its current form. Written evidence from Burma Campaign UK expressed serious doubt in ASEAN’s mediation capabilities, saying that “ASEAN has no interest in human rights and democracy”.²¹ Other evidence criticised the fact that certain areas were omitted in

18 Fortify Rights ([MYA0040](#)) para 2.3

19 CSW ([MYA0019](#)) p 3

20 AP News, [UN assembly condemns Myanmar coup, calls for arms embargo](#), 18 June 2021

21 Burma Campaign UK ([MYA0009](#)) para 26

ASEAN's mediation, such as a call for the results of the 2020 election to be honoured or for political prisoners to be released.²² Soon after the consensus was established, the junta dismissed it as a series of "guidelines", which they would consider implementing when stability returned to the country.²³ However, as UN Special Rapporteur on Myanmar Tom Andrews said, nobody has a greater stake in the situation than ASEAN, as "a failed state in the middle of ASEAN would be a significant problem for all of Myanmar's neighbours".²⁴ We welcome recent reports that ASEAN wishes to expedite the mediation process, but remain concerned at the lack of a concrete timeframe.²⁵

20. If ASEAN's mediation efforts are to have any chance of succeeding, they must be much more assertive, with a focus on holding the leaders of the junta to account. The UK has a responsibility to amplify the importance of human rights and international law in ASEAN deliberations. Using its new status as an ASEAN Dialogue Partner, the UK should work with ASEAN to avoid any member states legitimising the junta's authority, and should make the release of political prisoners and the cessation of all violence a fundamental part of the mediation process. The UK should also encourage ASEAN to impose a strict timeline on the junta for adoption of the five-point consensus, expediting a decision on the appointment of an ASEAN envoy to lead mediation efforts.

Other UN measures

21. In the absence of Security Council consensus, the United Nations General Assembly may adopt the 'Uniting for Peace' resolution. This mechanism is considered to be an alternative way of building consensus through the UN, if the Security Council is unable to reach agreement on measures. The Uniting for Peace resolution:

Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures ... to maintain or restore international peace and security.²⁶

22. If the crisis continues to worsen, and in the absence of meaningful action through other United Nations mechanisms, the Uniting for Peace option may be another viable avenue for action, as the General Assembly has already shown consensus on an arms embargo. We recommend that the Government explore the feasibility of moving for a Uniting for Peace resolution if there is a failure to reach consensus in the Security Council within the next three months.

22 Free Myanmar ([MYA0007](#)) para 4

23 Global Centre for the Responsibility to Protect ([MYA0026](#)) para 3.1

24 [Q20](#) [Tom Andrews]

25 The Diplomat, [ASEAN Plans to Expedite Myanmar Response: Singapore](#), 7 July 2021

26 United Nations, [General Assembly - Fifth Session](#), accessed 1 July 2021

23. To draw further attention to the challenges faced by different groups, the Government should consider raising the issue of Myanmar at the UN treaty bodies. This may include, but not be limited to, the Committee on the Elimination of Discrimination against Women, due to the Tatmadaw's reported use of rape as a weapon of war; the Committee on the Rights of the Child, due to the number of children killed by the Tatmadaw; and the Committee against Torture, due to the reported torture and extrajudicial detention of protestors.

3 Sanctions

24. The Government's efforts to sanction key members of the junta and companies in Myanmar are commendable but have not had a significant effect so far. Sanctions against the junta should not only target critical industries but should also be implemented in a way that will apply ever-increasing pressure. This goes beyond basic coordination with allies, requiring punitive and timely sanctions, close consultation with civil society groups and individuals in Myanmar, and diplomatic engagement to encourage wider networks of countries to implement them.

25. Since our evidence session, the Government has announced new sanctions on the Myanmar Timber Enterprise, the Myanmar Pearl Enterprise, and the Myanmar State Administrative Council.²⁷ We welcome this step, but remain concerned about the length of time it has taken to implement these sanctions. Mark Farmaner, Director of Burma Campaign UK, told us that sanctions have to be continuous and rapidly deployed in order to be effective, saying that “even the low hanging fruit has taken months to be sanctioned”.²⁸

26. There are many more opportunities for the use of sanctions that the Government has not yet taken. Dr Sasa said:

There are bank accounts owned by the Myanmar Investment and Commercial Bank. There are many banks doing business outside. If they stop international companies giving money to the military generals, their revenue and cash flow would be cut off and no money would go to the generals, so no money would go to China to buy weapons. It is very simple. The UK has the leverage to lead on that front.²⁹

27. This point is backed up by evidence from Fortify Rights, which said that Singapore extends banking services to the junta, a fact which is at odds with its “strong diplomatic position” on Myanmar—a point also made by Free Myanmar.³⁰³¹ Similarly, John Sifton, Asia Advocacy Director at Human Rights Watch, told us:

There are dozens of bank accounts all over the world—mostly in Asia—that hold the Burmese junta's money. Those accounts are with banks that have corresponding accounts to resolve their foreign currency transactions in London, France and New York. Because of that, those banks have to do whatever those financial authorities say.³²

28. We welcome the Government's willingness to sanction individuals and Tatmadaw-linked companies in critical sectors. This should be taken further by freezing the military's revenue sources on all possible fronts. The UK has the economic and technical capabilities to help significantly undermine the junta's business in crucial

27 [Gov.uk, Foreign Secretary announces further sanctions on companies linked to Myanmar's military regime](#), 21 June 2021

28 [Q28](#) [Mark Farmaner]

29 [Q9](#) [Dr Sasa]

30 Fortify Rights ([MYA0040](#)) para 5.3

31 Free Myanmar ([MYA0007](#)) para 7a

32 [Q23](#) [John Sifton]

industries. *The Government should implement sanctions on Myanmar businesses and organisations in key industries on which the junta is dependent at a much faster pace, while encouraging countries which are not currently introducing sanctions to do so.*

29. We heard that banks operating in countries including Singapore and Thailand can be compelled by UK regulators to enforce UK sanctions, as they conduct transactions in British pounds. This would cut off a key intermediary for the junta's revenues, shutting down another line of income. *We recommend that the UK seeks to ensure that relevant third country financial institutions and regulators support sanctions placed on Tatmadaw-linked businesses and individuals.*

4 Humanitarian support

30. The cost of the ongoing crisis to civilians is serious and growing. The military crackdown has reportedly displaced as many as a quarter of a million people.³³ In April 2021, the UN World Food Programme estimated that, within the next six months, up to 3.4 million more people would be hungry.³⁴ In oral evidence, Naw K'nyaw Paw, General Secretary of the Karen Peace Support Network, told us:

There is an urgent need for increased aid for refugees, IDPs and people from the [civil disobedience movement] ... We would like the UK Government to prioritise cross-border aid through local grassroots organisations to the ethnic areas of Burma, including Karen state, and to put pressure on the Thai Government to stop forcing refugees back to the conflict zone and blocking aid to IDPs.³⁵

31. Written evidence sets out that humanitarian access appears 'uncontroversial' to the permanent Security Council members, and that there are previous examples of Security Council resolutions securing cross-border humanitarian access.³⁶ We believe that achieving consensus on humanitarian access and humanitarian support to Myanmar is possible and should be a priority for the Government.

32. ***The UK should use the UN system to build consensus on the need for humanitarian assistance within Myanmar, emphasising fundamental requirements such as healthcare and basic provisions. This should be done using a mechanism that will compel or encourage other countries to act, such as a resolution or statement at the Security Council or the General Assembly. Doing so will reaffirm certain countries' commitment to provide humanitarian support and apply pressure to those who have not done so as yet.***

33. Many countries are evidently turning away refugees fleeing the violence in Myanmar. There are reports of officials in Indian border states being told to "politely turn away" refugees from Myanmar, with around 100 Myanmar refugees reportedly being deported from the Indian border village of Farkawn in late March.³⁷ Evidence from Fortify Rights said that, in May 2021, Thai officials returned "at least" 2,000 refugees fleeing violence.³⁸ These countries have a legal responsibility and obligation to support the principle of non-refoulement, which stipulates that countries will not deport people back to a country where they will likely face persecution.³⁹ The UK should encourage countries in the region to meet these responsibilities.⁴⁰

33 Answer Myanmar - Alliance for Peace ([MYA0047](#)) para 4

34 United Nations World Food Programme, [WFP to step up operations in response to fast rising hunger in Myanmar](#), 22 April 2021

35 [Q5](#) [Naw K'nyaw Paw]

36 Answer Myanmar - Alliance for Peace ([MYA0047](#)) para 14

37 CSW ([MYA0019](#)) p 3

38 Fortify Rights ([MYA0040](#)) para 4.1

39 United Nations Human Rights Office of the High Commissioner, [The principle of non-refoulement under international human rights law](#), accessed 22 June 2021

40 Global Movement for Myanmar Democracy ([MYA0013](#)) para 10

34. ***The Government should use its diplomatic influence to encourage border countries such as Thailand and India to accept more refugees from Myanmar, and to meet their commitments of non-refoulement and support them as they do so, through channels including human rights and governance focused aid projects. It should also encourage these countries to allow cross-border aid to reach Myanmar citizens impacted by the coup.***

35. We heard that the UK Government's historic approach to aid in Myanmar has been too centrally focused.⁴¹ The European Karen Network said:

During the period of the [National League for Democracy]-led⁴² civilian government, all the way up to the military coup, more and more international aid went through the central government, sidestepping genuine grass-roots organisations, including ethnic organisations with real knowledge, skills and infrastructure to run truly functional and efficient projects in their own areas.⁴³

36. We support the Government's efforts to prevent UK aid spending from benefiting the junta. However, we recognise that many local groups are in need of support, and the Government's unwillingness to fund the junta should not also mean an unwillingness to assist civil society overall. We heard from Thinzar Shunlei Yi, Advocacy Coordinator at the Action Committee for Democracy Development, that providing funds to local ethnic groups would be more effective than large, international NGOs.⁴⁴

37. There are also unique challenges to getting money to organisations in-country, due to paralysis in the Myanmar banking sector. This is another area in which the UK Government and organisations may be able to help, as the UK's world-leading expertise in financial solutions may be useful in finding innovative solutions to this problem.⁴⁵

38. ***We recommend that the Government explore innovative ways of providing financial support to of civil society organisations. Aid spending should be funnelled to civil society and grassroots organisations who are doing invaluable on-the-ground work to support those suffering under the junta. Organisations providing tailored support to different ethnic groups should also be specifically targeted for assistance.***

41 [Q1](#) [Naw K'nyaw Paw]

42 Myanmar's previous ruling party

43 European Karen Network ([MYA0030](#)) para 10

44 [Q6](#) [Thinzar Shunlei Yi]

45 British Chamber of Commerce Myanmar ([MYA0028](#)) p 2

5 Accountability and transparency

The international legal system

39. At the heart of this coup is the belief in impunity. The generals leading the junta believe they can act without consequence. It is vital that the international community demonstrates that this is not the case. Not only is it important that those responsible for crimes against civilians in Myanmar are held accountable, but also that others who would commit similar crimes in future can see that violations of international law have real consequences. The Government should not allow the military leaders to operate with impunity, and without the prospect of facing justice.

40. *We recommend that, should other accountability efforts fail, the Government publicly state its support for referring those responsible for the situation in Myanmar to the International Criminal Court.*

41. We heard that the lacklustre global response to the atrocities committed against the Rohingya paved the way for the February coup.⁴⁶ The UK should not allow current events to overshadow efforts to bring about justice for the the Rohingya. In September 2020, Canada and the Kingdom of the Netherlands announced their intention to intervene in the International Court of Justice (ICJ) case brought by The Gambia against Myanmar for alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).⁴⁷ Many contributors of written evidence argued that the UK should also intervene in the ICJ case.⁴⁸ The Government has voiced its support for the case, but has not announced its intention to formally intervene.^{49,50} *We recommend that the UK Government announce its intention to intervene in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) at the International Court of Justice.*

Journalists

42. Journalists in Myanmar are doing vital work to sustain international attention and pressure on the crimes of the Tatmadaw.⁵¹ As Dr Sasa said, journalists:

Play a crucial and vital role as the voice of the people of Myanmar. When journalists' reporting stops, this democracy movement stops.⁵²

While we commend the ongoing work of the BBC World Service in Myanmar,⁵³ we also recognise the importance of ensuring local media organisations, who can provide a range of perspectives and shed light on different issues, are able to continue their work.

46 Burmese Rohingya Organisation UK ([MYA0015](#)) p 1; Global Movement for Myanmar Democracy ([MYA0013](#)) para 8

47 Government of the Netherlands, [Joint statement of Canada and the Kingdom of the Netherlands regarding intention to intervene in The Gambia v. Myanmar case at the International Court of Justice](#), 2 September 2020

48 Burmese Rohingya Organisation UK (BROUK) ([MYA0015](#)) p 1

49 Foreign, Commonwealth and Development Office ([MYA0020](#)) para 21

50 Oral evidence taken on 6 July 2021, HC 518, [Q525](#) [Dominic Raab MP]

51 [Q5](#) [Naw K'nyaw Paw], [Q8](#) [Dr Sasa]

52 [Q8](#) [Dr Sasa]

53 BBC World Service ([MYA0049](#))

43. Assistance should be provided to local media organisations which continue to provide information and hold the junta to account at serious personal risk. Ethnic media agencies in particular, which broadcast and provide information in different languages throughout Myanmar, require particular support. *We recommend that the Government explore ways to provide core funding and resourcing support to independent ethnic language media organisations.*

The International Investigative Mechanism for Myanmar

44. In September 2018, the UN Human Rights Council adopted resolution 39/2, which led to the establishment of the International Investigative Mechanism for Myanmar (IIMM). The purpose of the IIMM is to:

Collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.⁵⁴

45. The IIMM is an essential means of gathering and preserving evidence of current and historic human rights violations in Myanmar, and will prove invaluable in providing truth, reconciliation and justice in future. While we heard that UK support for the IIMM was welcome, we heard that local civil society organisations who are gathering evidence are not adequately supported.⁵⁵ In evidence to the Committee, Foreign Secretary Dominic Raab MP said that the Government “would support” any NGOs gathering evidence.⁵⁶ *The Government should target funding and resources such as protected communications and data storage equipment to civil society organisations on the ground in Myanmar, who are collecting evidence of human rights abuses committed by the Tatmadaw, for future due process.*

54 United Nations, [Independent Investigative Mechanism for Myanmar](#), accessed 21 June 2021

55 Burma Campaign UK ([MYA0009](#)) para 25

56 Oral evidence taken on 6 July 2021, HC 518, [Q529](#) [Dominic Raab MP]

6 Myanmar nationals in the UK

46. In April 2021, then-Ambassador of Myanmar to the UK, Kyaw Zwar Minn, bravely condemned the military coup in Myanmar. For this, he was dismissed as Myanmar's representative to the UK and "locked out" of the embassy.⁵⁷ The Government announced intentions to support Mr Minn while he "decides his long-term future".⁵⁸

47. Support is needed by others. The military takeover of the embassy has led to some Myanmar nationals in the UK feeling unable to visit the embassy for visa extensions, due to fears for their or their families' safety. Written evidence from NUG Campaign UK said that it is likely that, if forced to undergo the lengthy asylum protest, some of these people will be deported back to Myanmar.⁵⁹

48. **While we commend the Government's decision to provide support to the recently deposed Myanmar ambassador, Kyaw Zwar Minn, we recognise that there are other Myanmar nationals in the UK requiring assistance. These people do not have access to the proper channels for extending their UK visas. We recommend that the Government introduces 'protected status' lasting the duration of the violence for Myanmar nationals who are currently based in the UK but are unable to renew their visas due to the military's occupation of the embassy in London.**

57 BBC News, [Myanmar's ex-UK envoy says military attaché has 'occupied' embassy](#), 8 April 2021

58 Gov.uk, [Myanmar Embassy: Foreign, Commonwealth & Development Office statement](#), 8 April 2021

59 NUG Campaign UK ([MYA0035](#)) para 18

7 Conclusion

49. It is the duty of the international community to support the Myanmar people in their efforts to stop the violence and bring about the democracy for which the country has fought so long. The Government has made positive steps on Myanmar, but there is far more it can do, given its lead role at the UN and upcoming status as an ASEAN Dialogue Partner. Through delegitimising the authority of the junta, applying severe and widespread economic pressure, stemming the flow of arms, and building broad coalitions to condemn the violence and support humanitarian assistance, the UK can have a real impact on resolving the violence and preventing the deaths of more people.

Conclusions and recommendations

Diplomatic and multilateral action

1. If the UK is to fulfil its unique potential to mediate, it has to demonstrate a willingness to take action beyond statements. A coherent and concerted response is needed by the United Nations if the junta is to feel any real pressure. Actions should be taken to de-legitimise the junta's authority, block its supply of arms, and encourage regional actors to take firmer measures. (Paragraph 8)
2. The UK Government cannot be said to support democracy in Myanmar if it does not recognise the outcome of democratic elections in Myanmar. The National Unity Government comprises the legitimate representatives of the people of Myanmar, whose election has been found valid by third party observers. Rather than an exile government, the NUG should be treated as a government-in-waiting. (Paragraph 10)
3. *We recommend that the UK Government supports the democratically elected National Unity Government of Myanmar by working with its representatives to identify and push for peaceful outcomes and draw attention to the junta's illegal actions.* (Paragraph 14)
4. This support should be contingent on the NUG's clear and continued commitment to the rights of different ethnic groups and minorities, and to delivering justice for past crimes. The UK should work to encourage other countries to do the same. (Paragraph 14)
5. It is essential that the UK Government's actions do not appear to legitimise the authority of the junta in any way. Any actions that do will be seized upon by the junta and used as propaganda. Engagement should be strictly limited to increasing diplomatic and economic pressure to reduce the violence the junta is committing against civilians. (Paragraph 15)
6. Freezing the Tatmadaw's supply of arms should be the first priority of all those who wish to see violence in Myanmar come to an end. (Paragraph 17)
7. *We recommend that the UK draft a United Nations Security Council resolution calling explicitly for an arms embargo on Myanmar in order to gauge the current level of support and the type of diplomatic engagement that is required to establish an effective arms embargo. The ultimate objective of the UK should be securing a binding Security Council resolution on an arms embargo on Myanmar.* (Paragraph 17)
8. *In the absence of a binding UN resolution on an arms embargo, we recommend that the UK works bilaterally and with groups such as the G7, the Quad, and the Five Power Defence Arrangements to build broader coalitions that will implement individual arms embargos, while also maintaining pressure and support for an official United Nations arms embargo. Pressure should also be applied to other countries to cease all training of the Myanmar military.* (Paragraph 18)

9. If ASEAN's mediation efforts are to have any chance of succeeding, they must be much more assertive, with a focus on holding the leaders of the junta to account. The UK has a responsibility to amplify the importance of human rights and international law in ASEAN deliberations. (Paragraph 20)
10. *Using its new status as an ASEAN Dialogue Partner, the UK should work with ASEAN to avoid any member states legitimising the junta's authority, and should make the release of political prisoners and the cessation of all violence a fundamental part of the mediation process. The UK should also encourage ASEAN to impose a strict timeline on the junta for adoption of the five-point consensus, expediting a decision on the appointment of an ASEAN envoy to lead mediation efforts.* (Paragraph 20)
11. If the crisis continues to worsen, and in the absence of meaningful action through other United Nations mechanisms, the Uniting for Peace option may be another viable avenue for action, as the General Assembly has already shown consensus on an arms embargo. (Paragraph 22)
12. *We recommend that the Government explore the feasibility of moving for a Uniting for Peace resolution if there is a failure to reach consensus in the Security Council within the next three months.* (Paragraph 22)
13. *To draw further attention to the challenges faced by different groups, the Government should consider raising the issue of Myanmar at the UN treaty bodies. This may include, but not be limited to, the Committee on the Elimination of Discrimination against Women, due to the Tatmadaw's reported use of rape as a weapon of war; the Committee on the Rights of the Child, due to the number of children killed by the Tatmadaw; and the Committee against Torture, due to the reported torture and extrajudicial detention of protestors.* (Paragraph 23)

Sanctions

14. We welcome the Government's willingness to sanction individuals and Tatmadaw-linked companies in critical sectors. This should be taken further by freezing the military's revenue sources on all possible fronts. The UK has the economic and technical capabilities to help significantly undermine the junta's business in crucial industries. (Paragraph 28)
15. *The Government should implement sanctions on Myanmar businesses and organisations in key industries on which the junta is dependent at a much faster pace, while encouraging countries which are not currently introducing sanctions to do so.* (Paragraph 28)
16. We heard that banks operating in countries including Singapore and Thailand can be compelled by UK regulators to enforce UK sanctions, as they conduct transactions in British pounds. This would cut off a key intermediary for the junta's revenues, shutting down another line of income. (Paragraph 29)
17. *We recommend that the UK seeks to ensure that relevant third country financial institutions and regulators support sanctions placed on Tatmadaw-linked businesses and individuals.* (Paragraph 29)

Humanitarian support

18. *The UK should use the UN system to build consensus on the need for humanitarian assistance within Myanmar, emphasising fundamental requirements such as healthcare and basic provisions. (Paragraph 32)*
19. This should be done using a mechanism that will compel or encourage other countries to act, such as a resolution or statement at the Security Council or the General Assembly. Doing so will reaffirm certain countries' commitment to provide humanitarian support and apply pressure to those who have not done so as yet. (Paragraph 32)
20. *The Government should use its diplomatic influence to encourage border countries such as Thailand and India to accept more refugees from Myanmar, and to meet their commitments of non-refoulement and support them as they do so, through channels including human rights and governance focused aid projects. It should also encourage these countries to allow cross-border aid to reach Myanmar citizens impacted by the coup. (Paragraph 34)*
21. *We recommend that the Government explore innovative ways of providing financial support to of civil society organisations. (Paragraph 38)*
22. Aid spending should be funnelled to civil society and grassroots organisations who are doing invaluable on-the-ground work to support those suffering under the junta. Organisations providing tailored support to different ethnic groups should also be specifically targeted for assistance. (Paragraph 38)

Accountability and transparency

23. At the heart of this coup is the belief in impunity. The generals leading the junta believe they can act without consequence. It is vital that the international community demonstrates that this is not the case. Not only is it important that those responsible for crimes against civilians in Myanmar are held accountable, but also that others who would commit similar crimes in future can see that violations of international law have real consequences. The Government should not allow the military leaders to operate with impunity, and without the prospect of facing justice. (Paragraph 39)
24. *We recommend that, should other accountability efforts fail, the Government publicly state its support for referring those responsible for the situation in Myanmar to the International Criminal Court. (Paragraph 40)*
25. *We recommend that the UK Government announce its intention to intervene in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar) at the International Court of Justice. (Paragraph 41)*
26. Assistance should be provided to local media organisations which continue to provide information and hold the junta to account at serious personal risk. Ethnic media agencies in particular, which broadcast and provide information in different languages throughout Myanmar, require particular support. (Paragraph 43)

27. *We recommend that the Government explore ways to provide core funding and resourcing support to independent ethnic language media organisations. (Paragraph 43)*
28. *The Government should target funding and resources such as protected communications and data storage equipment to civil society organisations on the ground in Myanmar, who are collecting evidence of human rights abuses committed by the Tatmadaw, for future due process. (Paragraph 45)*

Myanmar nationals in the UK

29. While we commend the Government's decision to provide support to the recently deposed Myanmar ambassador, Kyaw Zwar Minn, we recognise that there are other Myanmar nationals in the UK requiring assistance. These people do not have access to the proper channels for extending their UK visas. (Paragraph 48)
30. *We recommend that the Government introduces 'protected status' lasting the duration of the violence for Myanmar nationals who are currently based in the UK but are unable to renew their visas due to the military's occupation of the embassy in London. (Paragraph 48)*

Conclusion

31. It is the duty of the international community to support the Myanmar people in their efforts to stop the violence and bring about the democracy for which the country has fought so long. The Government has made positive steps on Myanmar, but there is far more it can do, given its lead role at the UN and upcoming status as an ASEAN Dialogue Partner. Through delegitimising the authority of the junta, applying severe and widespread economic pressure, stemming the flow of arms, and building broad coalitions to condemn the violence and support humanitarian assistance, the UK can have a real impact on resolving the violence and preventing the deaths of more people. (Paragraph 49)

Formal minutes

Tuesday 13 July 2021

Members present:

Stewart Malcolm McDonald, in the Chair

Chris Bryant

Bob Seely

Neil Coyle

Royston Smith

Draft Report (*The UK Government's Response to the Myanmar Crisis*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 49 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Tuesday 20 July at 1.45pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 25 May 2021

Dr Sasa, Minister of International Cooperation, National Unity Government of Myanmar; **Naw K'nyaw Paw**, General Secretary, Karen Peace Support Network; **Thinzar Shunlei Yi**, Advocacy Coordinator, Action Committee for Democracy Development

[Q1–15](#)

Tom Andrews, Special Rapporteur on the situation of human rights in Myanmar, UN Human Rights Council; **Mark Farmaner**, Director, Burma Campaign UK; **John Sifton**, Asia Advocacy Director, Human Rights Watch

[Q16–39](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

MYA numbers are generated by the evidence processing system and so may not be complete.

- 1 Anonymous ([MYA0054](#))
- 2 Anonymous ([MYA0018](#))
- 3 Answer Myanmar ([MYA0047](#))
- 4 ASEAN Parliamentarians for Human Rights (APHR) ([MYA0006](#))
- 5 BBC World Service ([MYA0049](#))
- 6 Brenner, Dr David (Lecturer in Global Insecurities, University of Sussex) ([MYA0008](#))
- 7 British Chamber of Commerce Myanmar ([MYA0028](#))
- 8 Burma Campaign UK ([MYA0009](#))
- 9 Burmese Rohingya Organisation UK (BROUK) ([MYA0015](#))
- 10 CSW ([MYA0019](#))
- 11 European Karen Network ([MYA0030](#))
- 12 Federica D'Alessandra (Executive Director, Oxford Programme on International Peace and Security, University of Oxford Blavatnik School of Government); Kirsty Sutherland (Visiting Fellow of Practice, Oxford Programme on International Peace and Security, University of Oxford Blavatnik School of Government); and Henry Wu (Research Assistant, Oxford Programme on International Peace and Security, University of Oxford Blavatnik School of Government) ([MYA0017](#))
- 13 Foreign, Commonwealth, and Development Office ([MYA0020](#))
- 14 Fortify Rights ([MYA0040](#))
- 15 Free Myanmar ([MYA0007](#))
- 16 Global Centre for the Responsibility to Protect ([MYA0026](#))
- 17 Global Movement for Myanmar Democracy ([MYA0013](#))
- 18 Gunness, Christopher (Director, Myanmar Accountability Project) ([MYA0045](#))
- 19 Guy Banim; Robert Cooper; Michael Doyle; Seán Farren; and Charles Petrie ([MYA0029](#))
- 20 Human Rights Watch ([MYA0052](#))
- 21 Humanitarian Aid Relief Trust ([MYA0002](#))
- 22 International Karen Organisation ([MYA0042](#))
- 23 Jones, Dr Lee (Reader in International Politics, Queen Mary University of London) ([MYA0001](#))
- 24 Kachin National Organisation ([MYA0005](#))
- 25 Khin Warber; Nang Z P Aye; and Nang Kyi ([MYA0032](#))
- 26 Lee, Dr Ronan (Visiting Scholar, Queen Mary University of London) ([MYA0023](#))
- 27 Min, Aung Myo (Minister for Human Rights, Ministry of Human Rights of the National Unity Government of Myanmar) ([MYA0044](#))
- 28 Mines Advisory Group (MAG) ([MYA0037](#))

- 29 Ministry of Women, Youth and Children of the National Unity Government of Myanmar ([MYA0048](#))
- 30 Mrs Lwin Mclay (Activist, Myanmar Women Activists Group UK); and Mrs Ei Minn (Activist, Myanmar Women Activists Group UK) ([MYA0039](#))
- 31 NUG Campaign UK ([MYA0035](#))
- 32 NUG Campaign UK ([MYA0036](#))
- 33 Prospect Burma ([MYA0053](#))
- 34 Stevens, Ruth ([MYA0004](#))
- 35 Tropical Health Education Trust; and Royal College of Paediatrics and Child Health ([MYA0012](#))
- 36 United States Campaign for Burma ([MYA0033](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

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1st	In the room: the UK's role in multilateral diplomacy	HC 199
2nd	Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond	HC 198
3rd	Sovereignty for sale: the FCDO's role in protecting strategic British assets	HC 197
1st Special Report	A climate for ambition: Diplomatic preparations for COP26: Government Response to the Committee's Seventh Report of Session 2019–21	HC 440

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1st	Viral Immunity—The FCO's role in building a coalition against COVID-19	HC 239
2nd	Merging success: Bringing together the FCO and DFID	HC 525
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4th	A brave new Britain? The future of the UK's international policy	HC 380
5th	No prosperity without justice: the UK's relationship with Iran	HC 415
6th	Striking the balance: Protecting national security through foreign investment legislation	HC 296
7th	A climate for ambition: Diplomatic preparations for COP26	HC 202
1st Special Report	A cautious embrace: defending democracy in an age of autocracies: Government Response to the Committee's Second Report of Session 2019	HC 116
2nd Special Report	"Media freedom is under attack": FCO's defence of an endangered liberty: Government Response to the Committee's Twenty First Report of Session 2017–19	HC 269
3rd Special Report	Viral Immunity—The FCO's role in building a coalition against COVID-19: Government Response to the Committee's First Report	HC 449
4th Special Report	Global Britain and South America: Government Response to Committee's Twentieth Report of Session 2017–19	HC 669

Number	Title	Reference
5th Special Report	Responding to irregular migration: A diplomatic route: Government Response to Committee's First Report of Session 2019	HC 670
6th Special Report	Merging success: Bringing together the FCO and DFID: Government Response to Committee's Second Report	HC 809
7th Special Report	Flying Home: The FCO's consular response to the COVID-19 pandemic: Government Response to the Committee's Third Report	HC 859
8th Special Report	A brave new Britain? The future of the UK's international policy: Government Response to the Committee's Fourth Report	HC 1088
9th Special Report	No prosperity without justice: the UK's relationship with Iran: Government Response to Committee's Fifth Report	HC 1253
10th Special Report	Striking the balance: Protecting national security through foreign investment legislation: Government Response to the Committee's Sixth Report	HC 1263