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January 17, 2022

Marise Payne
Minister for Foreign Affairs
PO Box 6100
Senate, Parliament House
Canberra ACT 2600

Joint NGO Letter: Targeted Sanctions Against Myanmar's Military Leaders and Their Business Interests

Dear Foreign Minister,

As the one-year anniversary of the February 1, 2021 coup in Myanmar approaches, we write to you to urge the Australian government to impose targeted sanctions on Myanmar's abusive military leaders and their business interests.

We welcome the Australian government's passage of the *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act*, which enables targeted sanctions for serious human rights abuses, serious violations of international humanitarian law, activities undermining good governance and the rule of law, and serious corruption.

Since the Myanmar military overthrew the elected civilian government and seized power, the Australian government has imposed no additional sanctions on military leaders or their business interests. In the past year, the military junta has carried out a nationwide crackdown on anti-junta protesters and the

political opposition that amounts to crimes against humanity.¹ Junta security forces have killed 1459 people (including more than 75 children),² including a series of massacres that killed dozens of civilians, and arrested more than 10,000 protesters, journalists, activists, and others.³ The coup has shattered a decades-long effort to establish a more democratic system of governance in Myanmar and is rapidly accelerating the country's humanitarian crisis. The result of the military coup combined with the effects of Covid-19 has led to 14.4 million people (5 million children) nationwide in need of urgent humanitarian assistance.⁴

In June 2021, the Australian Council for International Development released an analysis showing sanctions against coup leaders and entities by like-minded governments.⁵ The Australian government should swiftly impose a series of targeted sanctions against leaders of the State Administration Council (SAC) junta, government entities, and military-owned enterprises, aligning itself with like-minded international partners who have already taken action on this front. The list should include those who have already been sanctioned by other governments, including:

- Commander-in-Chief Sr Gen Min Aung Hlaing⁶
- Deputy Commander-in-Chief Gen Soe Win⁷
- First Vice President and Lt Gen (ret) Myint Swe⁸
- Gen Maung Maung Kyaw⁹
- Lt Gen Sein Win¹⁰
- Lt Gen Soe Htut¹¹

¹ "Myanmar: Coup Leads to Crimes Against Humanity," Human Rights Watch news release, July 31, 2021, <https://www.hrw.org/news/2021/07/31/myanmar-coup-leads-crimes-against-humanity>.

² Al Jazeera, "75 children killed, 1,000 detained since Myanmar coup: UN experts," July 17, 2021, (accessed December 23, 2021), <https://www.aljazeera.com/news/2021/7/17/75-children-killed-1000-detained-since-myanmar-coup-un-experts>.

³ Shayna Bauchner (Human Rights Watch), "Decades of Impunity Paved Way for Myanmar's Coup," dispatch, December 7, 2021, <https://www.hrw.org/news/2021/12/07/decades-impunity-paved-way-myanmars-coup>.

⁴ United Nations Office for the Coordination of Humanitarian Affairs, "Global Humanitarian Overview 2022," (accessed December 23, 2021), <https://gho.unocha.org/>; Save the Children, "Myanmar: More than 5 Million Children Could Need Live-Saving Aid to Survive, December 2, 2021, (accessed December 23, 2021), <https://www.savethechildren.net/news/myanmar-more-5-million-children-could-need-life-saving-aid-survive>.

⁵ Australian Council for International Development, "Australian Government Must End Support for Myanmar Military," June 1, 2021 (accessed December 23, 2021), <https://acfid.asn.au/media-releases/australian-government-must-end-support-myanmar-military>.

⁶ Sanctioned by the US, UK, Canada, and EU.

⁷ Sanctioned by the US, Canada, and EU.

⁸ Sanctioned by the US, Canada, and EU.

⁹ Sanctioned by the US, UK, Canada, and EU.

¹⁰ Sanctioned by the US, Canada, and EU.

¹¹ Sanctioned by the US, UK, Canada, and EU.

- Lt Gen Ye Aung¹²
- General Mya Tun Oo¹³
- Admiral Tin Aung San¹⁴
- Lt Gen Tun Tun Naung¹⁵
- Lt Gen Moe Myint Tun¹⁶
- Lt Gen Than Hlaing¹⁷
- Lt Gen Aung Lin Dwe¹⁸
- Lt Gen Ye Win Oo¹⁹
- The State Administration Council junta as an entity.²⁰
- State enterprises and industries currently under military control, including the Directorate of Defence Industries (KaPaSa),²¹ the Quarter Master General’s Office,²² the Directorate for Defence Procurement;²³ the Myanmar War Veterans Organisation,²⁴ Myanmar Gems Enterprise,²⁵ Myanmar Pearl Enterprise,²⁶ and Myanmar Timber Enterprise,²⁷ as well as their directors.
- Military business conglomerates Myanmar Economic Holdings Limited (MEHL),²⁸ Myanmar Economic Corporation (MEC),²⁹ and their subsidiaries, as well as all directors and corporate officers.

Furthermore, the government should impose sanctions or other economic measures to stop funds from Myanmar’s oil and gas sector, the junta’s single largest source of foreign currency revenue worth US\$1.5 billion to the military for 2021-2022, which is also 50 percent of the junta’s foreign currency,³⁰ primarily

¹² Sanctioned by the US, and Canada.

¹³ Sanctioned by the US, UK, Canada, and EU.

¹⁴ Sanctioned by the US, UK, Canada, and EU.

¹⁵ Sanctioned by the US and EU.

¹⁶ Sanctioned by the US, UK, Canada, and EU.

¹⁷ Sanctioned by the US, UK, Canada, and EU.

¹⁸ Sanctioned by the US, UK, Canada, and EU.

¹⁹ Sanctioned by the US, UK, Canada, and EU.

²⁰ Sanctioned by the US and UK.

²¹ Sanctioned by the US, UK, and Canada.

²² Sanctioned by the US, UK, and Canada.

²³ Sanctioned by the UK, and Canada.

²⁴ Sanctioned by the US, UK, Canada, and EU.

²⁵ Sanctioned by the US, UK, Canada, and EU.

²⁶ Sanctioned by the US, UK, and Canada.

²⁷ Sanctioned by the US, UK, Canada, and EU.

²⁸ Sanctioned by the US, UK, Canada, and EU.

²⁹ Sanctioned by the US, UK, Canada, and EU.

³⁰ Publish What You Pay, “Financing the Military in Myanmar: Analysis of Gas Revenues,” June 9, 2021, (accessed December 23, 2021), <https://www.pwyp.org/pwyp-resources/financing-the-military-in-myanmar-analysis-of-gas-revenues/>.

transferred through the military-controlled Myanmar Oil and Gas Enterprise (MOGE). Evidence suggests these revenues are likely being used by the military to fund its campaign against anti-junta protesters and renewed military operations in ethnic minority areas that have resulted in widespread violations of international law.³¹ Such financial sanctions can be tailored to block transactions to the junta or seize them in foreign accounts without disrupting the production and transportation of the natural gas.

We note that this list of individuals and entities is not exhaustive. Instead, it should only serve as a starting point for the Australian government to move immediately to harmonize Australia's position with other like-minded governments. The Australian government should determine whether there are other Myanmar junta officials and military personnel implicated in abuses since the coup who have assets or who travel to Australia, and immediately impose sanctions on them.

Targeted sanctions against Myanmar's leaders responsible for rights abuses, and their business interests, will be most effective when countries take a coordinated and unified approach. By joining with other countries that have imposed targeted sanctions, the Australian government would send a strong message to abusive leaders in Myanmar and around the world that there are far-reaching consequences for their actions.

Many people in Myanmar are risking their lives to challenge military rule. The Australian government should unequivocally stand by them and heed their calls to help deprive the military of its revenue sources, joining other governments to maximize pressure on Myanmar's junta to end its campaign of terror against the Myanmar people.

Representatives from our organizations would be pleased to discuss these issues with you or your team further.

Sincerely,

Australian Centre for International Justice
Australian Council for International Development
Australian Council of Trade Unions (ACTU)
Human Rights Watch
Publish What You Pay
Refugee Council of Australia

³¹ Feliz Solomon, "U.S. Faces Pressure to Sanction Myanmar's Lucrative Energy Industry," *Wall Street Journal*, December 16, 2021, (accessed December 23, 2021), <https://www.wsj.com/articles/u-s-faces-pressure-to-sanction-myanmars-lucrative-energy-industry-11639661401>.