

End of Mission Statement

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Introduction

It is an honor and a privilege to visit Japan in my capacity as the United Nations Special Rapporteur on the situation of human rights in Myanmar. I extend my sincere and heartfelt thanks to the Government of Japan for inviting me here and for facilitating meetings with the Ministry of Economy, Trade and Industry, the Immigration Services Agency, the Japan International Cooperation Agency, and the Special Advisor to the Prime Minister for human rights issues, His Excellency Gen Nakatani.

I also want to thank the Japanese parliamentarians, business leaders, human rights and humanitarian organizations, independent experts, and many Myanmar nationals living in Japan who provided me with important information while sharing valuable perspectives and insights. I also want to thank the Center for Southeast Asian Studies for hosting me and facilitating my lecture at Kyoto University.

I came to Japan because the human rights situation in Myanmar is horrific and getting worse, and because I believe that Japan has an essential role to play in helping to resolve this crisis. Japan's historic and economic ties to Myanmar and its position as a leading democracy in Asia put it in an excellent position to help develop a principled and human rights-focused regional response to the crisis in Myanmar.

In a few weeks Japan will host the G7 Summit. I commend Foreign Minister Hayashi and the G7 foreign ministers who met in Japan last week for their strong statement on Myanmar. Their description of the deteriorating situation in Myanmar is both accurate and sobering, and I enthusiastically support their call to end the flow of weapons into the country.

The deteriorating situation in Myanmar demonstrates that the international community's response to this crisis is failing the people of Myanmar. I believe that it is time for the international community to undertake a fundamental reassessment of how we are responding to this crisis and make a course correction before it is too late. During my trip I extended this call to the Japanese government, noting specific actions that I believe will help to make meaningful progress toward ending Myanmar's tragic downward spiral.

Situation in Myanmar

Based on my conversations over the past two weeks, I am concerned that the Japanese public—as well as some business leaders—are not aware of the true depth of the horror that continues to unfold in Myanmar.

Over two years ago, Senior General Min Aung Hlaing launched an illegal coup after a military-backed political party was soundly defeated in a democratic election. He seems to have severely underestimated the resolve of the Myanmar people to prevent a return to military rule. In the two-plus years since the coup, the military's violence and oppression has not only failed to suppress dissent, it has deepened resentment against the junta and catalyzed a national opposition movement. Violence—and the threat of violence—has become a part of daily life throughout the country.

Min Aung Hlaing and the junta have responded to the deep and widespread opposition of the people of Myanmar with barbarism and oppression. Arbitrary detention, torture and systematic attacks on villages have become hallmarks of the junta. The military is repeatedly attacking civilian populations throughout the country. In recent months, as the military has lost control of territory on the ground, it has increasingly taken its attacks to the skies. We have seen a significant and steady increase in aerial attacks on civilian targets. Last week an airstrike in Sagaing Region killed over 170 people, including approximately 40 children. It seems that the death toll from this attack is increasing as continued strikes prevent victims from accessing medical treatment and more succumb to their injuries.

The numbers associated with the junta's human rights violations are staggering:

- More than 3,400 civilians have been killed;
- More than 17,000 political prisoners are behind bars;
- More than 1.4 million have been displaced since the coup;
- 17.6 million people are in dire need of humanitarian assistance;
- Approximately 60,000 civilian homes and structures have been burned to the ground or otherwise destroyed;
- Nearly half of the people of Myanmar have fallen into poverty.

The upcoming G7 Summit in Hiroshima offers an opportunity for Japan to shine a light on the situation in Myanmar for the entire world. I urge Prime Minister Kishida to ensure that the Myanmar crisis is on the G7 agenda and that a strong, unified message and a commitment to action emerges from the Summit.

Japan's role

In my conversations over the past two weeks, I learned more about the many ways in which Japan is exercising leadership on the crisis in Myanmar and assisting people whose lives have

been devastated by the military junta's human rights violations. Japan has strongly condemned the military coup and the junta's atrocities. Japan's generous contributions to humanitarian aid programs have saved the lives of countless numbers of people while offering shelter, protection, and opportunity to thousands displaced by violence and chaos. Japanese organizations and citizens are fundraising for humanitarian relief efforts and supporting Myanmar nationals adjusting to life in Japan.

Still, more can and must be done if the downward trajectory of the crisis in Myanmar is to be reversed. I have been honored to engage with Japanese government officials about options to do so.

Sanctions

I urge Japan to consider joining all other G7 countries in imposing targeted economic sanctions on the Myanmar military and its key sources of revenue, just as it is doing in response to the crisis in Ukraine.

Equipping and sustaining military forces, and procuring armaments, fighter jets and helicopter gunships is expensive. Economic sanctions that deprive the junta of the resources required to operate its war-making machinery would weaken its capacity to attack its people.

We know that sanctions can have an impact. Indeed, the democratic reforms that the junta reversed with its coup were made possible, at least in part, by the imposition of sanctions. The people of Myanmar have been imposing their own citizen sanctions on the regime, boycotting anything and everything connected to the junta. They are calling on the international community to join them.

But to maximize their potential impact, sanctions need to be imposed by all nations that support the people of Myanmar, and they need to be imposed in a focused and coordinated fashion. Unfortunately, some nations, including Japan, have chosen not to impose sanctions. And those that have imposed sanctions have failed to do so in a way that adds up to a coherent and powerful whole.

If you want to see what this would look like, you need look no further than Japan's response to the crisis in Ukraine. While action by the United Nations Security Council was not possible, Japan and a large group of other nations, including all of the G7 members, formed a coalition to take coordinated action, including the imposition of targeted sanctions. Frankly, many people in Myanmar have asked me why the response of the international community to the crisis in Ukraine is so different from the response to the crisis in Myanmar. Some have pointed out that the same type of bombs that are falling on the people of Ukraine are falling on the people of Myanmar. I frankly do not have an answer to their question.

Sham elections

The junta has made it clear that it intends to seek legitimacy by staging what they will call, and hope that the international community will accept, as an “election”. Let me be frank, it is not possible to hold a genuine election when opposition leaders are arrested, detained, tortured and executed; when key political parties are dissolved; when it is illegal to criticize the junta; and when it is a crime for journalists to do their job. There is no possibility that elections held on the junta’s terms can result in a government that enjoys the support of the Myanmar people.

Officials from the Ministry of Foreign Affairs told me that Japan’s view is that elections held under current conditions, without the release of political prisoners, including Aung San Suu Kyi, would create further resentment against the military and make a peaceful resolution of the crisis in Myanmar more difficult. I concur with this assessment and appreciate the Government’s position on this issue.

However, I am concerned that the Government has not consistently and publicly stated this position. Additionally, prominent Japanese citizens engaging on issues related to Myanmar—including a government Special Envoy—have made statements in support of the junta’s fraudulent election plans, creating confusion about Japan’s policy.

It is essential that the Government of Japan, and those representing the Government, be clear and consistent in rejecting the junta’s so-called election. Under no circumstances should Japan provide any support, including technical assistance, to the junta as it seeks to carry out its so-called election. To do so would not support or enhance democracy, but rather undermine it.

Military training program

I recommend that the Government of Japan terminate a training program for Myanmar military officers and cadets.

Since 2015, Japan’s Defense Ministry has trained Myanmar soldiers in the National Defense Academy and other Self-Defense Forces facilities. Following the execution of four opposition figures in Myanmar last year, the Defense Ministry announced that it would no longer admit new trainees from the Myanmar military. However, the Defense Ministry did not terminate the program and continues to train Myanmar military officers and cadets. Government officials with whom I spoke claimed that the program instills in participants an understanding of civilian oversight and the role of the military in a democracy, values which they will take back with them to Myanmar.

The fact is Myanmar soldiers are not merely learning about human rights and civilian oversight in Japan; they are receiving combat training and learning how to be effective soldiers and commanders. They will not return to a democracy, but to a military responsible for crimes against humanity and war crimes. In fact, credible reports have linked the units of previous trainees to atrocities, including massacres and airstrikes against civilian targets. So long as the

Defense Ministry continues to train Myanmar soldiers, Japan's Self-Defense Forces will be linked to a brutal military regime. I urge that this program be terminated.

Humanitarian aid

Japan's leadership has been evident in the generous provision of humanitarian assistance to millions from Myanmar. The Ministry of Foreign Affairs informed me that the Government has provided more than US\$108 million in humanitarian assistance to the Myanmar people since the coup. In 2022, Japan was the one of the largest donors—and by far the largest donor in Asia—to the Myanmar Humanitarian Response Plan, which coordinates assistance in Myanmar, and to the Rohingya Humanitarian Crisis Joint Response Plan, which benefits Rohingya refugees in Bangladesh.

Unfortunately, few countries have matched Japan's generosity and commitment to the Myanmar people. Humanitarian programs for people in need in Myanmar are woefully underfunded, leading to cuts in lifesaving programs.

In March, the World Food Programme was forced to cut rations for Rohingya refugees in Bangladesh by 17 percent because of a shortage of funds. The Rohingya in these camps are by and large not allowed to work and their movements are very restricted. They are almost completely dependent on these food rations. Even before these cuts were imposed, food rations for the Rohingya were insufficient and the situation for Rohingya refugees was dire. Over 40 percent of Rohingya children have stunted growth, more than half are anemic.

A Rohingya mother in the camps told me that, even before the cuts, rations for her children were already diminished by the impact of inflation. She was deeply worried that the imposition of these cuts would mean that she and her husband would have to make the impossible decision of what food to take away from their children's diet. Indeed, I was informed by UN officials that these cuts will do irreparable harm to Rohingya children.

Rohingya parents with whom I spoke explained that the impact of these cuts are not only hunger and malnutrition, but increasing tensions in the camps and rising levels of violence. Last year over 3,500 Rohingya people put their lives, and the lives of their children, into the hands of human traffickers and smugglers. Hundreds of lives were lost on unseaworthy boats and on perilous land routes. The cut in food rations will almost certainly mean that we can expect even more desperate Rohingya people to perish attempting to escape increasingly perilous conditions.

To make this crisis unbearably worse, I have been informed by UN officials that food rations for the Rohingya in the Bangladesh camps will likely need to be cut by an additional 20 percent because of a severe lack of funding. This will reduce food rations for each individual in the camps to \$0.27 per day. Try surviving on \$0.27 per day! In fact, I was told that hundreds of thousands may need to be dropped from the program entirely.

Leaving the Rohingya—already victims of genocidal attacks and decades of persecution—to face starvation and yet more violence is unconscionable. These food ration cuts, and the suffering they will cause, are a stain on the conscience of the international community.

It is hard to ask Japan, which has done so much, to do more, but that’s what I have done on this mission. I’m asking every Member State of the United Nations to consider what resources can be redirected to assistance for the Rohingya. Japan has already terminated new Official Development Aid projects. I have asked the government to consider allocating these savings to help address this urgent crisis. I am also asking the Government of Japan use its leadership position to urge and leverage support from other governments—especially Asian governments that have not supported relief efforts.

Official Development Assistance

I commended the Government of Japan for suspending new Official Development Assistance projects, a decision that sent a strong message to the military junta. The Government is allowing existing ODA projects in Myanmar to continue.

Officials from the Ministry of Foreign Affairs told me that ODA projects are meant to benefit the Myanmar people and that they do not believe they are enriching the military. Some projects, however, have reportedly resulted in payments to military-controlled companies, including a payment to Myanmar Economic Corporation (MEC) for the Bago River Bridge project. I urge the government of Japan to conduct a thorough assessment of the human rights impact of its ODA projects in Myanmar. The government should terminate projects that are found to have an adverse impact on human rights, including by enriching the military junta, or take steps to mitigate such impacts to the greatest extent possible.

Japanese companies operating in Myanmar

In the absence of sanctions by the Government, Japanese businesses have, by and large, been left to decide whether to terminate or modify their operations in Myanmar. I met with officials from the Business and Human Rights Policy Office in the Ministry of Economy, Trade and Industry, who told me about the Government’s new Guidelines on Respecting Human Rights in Responsible Supply Chains. While a positive step, these Guidelines are non-binding and insufficient to guide companies through the difficult decisions companies must make in post-coup Myanmar.

I met with business leaders from seven Japanese companies while here in Japan that had invested in Myanmar prior to the coup. Some chose to leave following the coup, others remained but suspended their operations, others left because of economic reasons, and another continues a partnership with a junta-controlled company.

What they all had in common was a failure to conduct a thorough assessment of human rights risks and impact prior to entering the Myanmar market.

I spoke with the leaders of companies that have made the difficult decision to exit the Myanmar market, a decision which had significant implications for their workers, partners, contractors, and their own capital investments. Some cited their own human rights policies as the reason for their decision. I laud business leaders who have acted on their convictions and, as they explained to me, learned from past mistakes.

It is imperative that companies exiting Myanmar do so in a responsible manner, minimizing human rights impacts and, to the extent possible, avoiding enriching the military. Creative solutions, including placing shares or property rights into trust or escrow, should be considered.

I am deeply concerned about corporations that remain in active partnership with military-controlled companies. I spoke with leaders of KDDI and Sumitomo, for example, Japanese corporations that are involved in a partnership with the junta-controlled Myanmar Posts and Telecommunications (MPT). MPT not only provides revenue for the junta's military operations, it is directly involved in violating the human rights of Myanmar people. Leaders of these Japanese companies claimed that they had commissioned an independent human rights due diligence assessment since the coup. They said they could not share the report or its findings because of a confidentiality agreement and claimed to be unaware of reports that MPT is being used to conduct surveillance on its customers, to censor information, and to implement Internet shutdowns at the direction of the military. These shutdowns are known to often be precursors to attacks by junta forces, preventing vital information to get to villagers, including warnings of imminent attacks. If the leaders of these companies are unwilling to end a collaboration that is directly linked to atrocities, then the government of Japan must act.

I also spoke with leaders from ENEOS and JX Nippon Oil & Gas. Just two weeks ago, ENEOS announced that it had completed its withdrawal from a partnership with Myanma Oil & Gas Enterprise, a military-controlled company that has been identified as the junta's largest source of foreign-currency income. MOGE has been sanctioned by the European Union and I have been urging Member States to also sanction MOGE. Human rights organizations have raised concerns that the exit of these companies could enrich the military and create environmental risk by leaving MOGE solely responsible for closure of the oil field. The ENEOS and JX Nippon executives told me that they were barred by a confidentiality agreement from providing details about their withdrawal from the partnership and declined to offer any details except to say that their withdrawal was not a sale. They claimed, however that upon their exit, they requested that MOGE ensure that funds do not flow to the military. Given that MOGE is controlled by the junta, this assertion is frankly, absurd.

Myanmar nationals in Japan

During my trip, I spoke with dozens of Myanmar nationals living in Japan. I listened to the stories of many who sought and received protection in Japan, and also about the challenges they face.

The Government of Japan's policies have provided safety, security and opportunity to thousands of Myanmar nationals whose lives have been upended by the coup. Emergency Evacuation Measures adopted following the coup have allowed Myanmar nationals already in Japan to extend their stay and work in the country so long as the Government deems the situation in Myanmar unstable. As of December 2022, nearly 10,000 Myanmar nationals had benefited from the program. I encourage governments in the region and beyond to follow Japan's example and adopt similar policies towards Myanmar nationals.

Some Myanmar nationals have been recognized as refugees by the Government of Japan, receiving permanent residence status. I am concerned, however, by the long wait times for refugee status determination and the extremely low success rate for applicants. I learned that, on average, applicants must wait about three to four years for their cases to be decided. According to the Government, in 2022, only 3.3 percent of applicants were recognized as refugees. The Immigration Services Agency told me that decisions on refugee status are made according to the Refugee Convention's criteria, but I remain concerned that Myanmar nationals with strong asylum claims will not receive protection as refugees.

The Government maintains a number of additional pathways for Myanmar nationals to live, work and study in Japan. In 2022, nearly 1,700 Myanmar nationals were given humanitarian status and allowed to stay in Japan after failing to secure refugee status. Others are receiving visas to work or study in Japan.

Japan was the first country in Asia to accept refugees as part of a third country resettlement program. In 2019, Japan doubled its resettlement quota from 30 to 60 per year. The vast majority of those who have been resettled in Japan are Myanmar refugees arriving from Thailand and Malaysia. As of March 2023, 250 people had been resettled in Japan, the majority of which are from Myanmar. I commend the Government for this program, which is yet another example of Japan's leadership in the region. I urge the Government of Japan to greatly increase the resettlement quota given the vast numbers of refugees in need of resettlement.

Myanmar people living in Japan told me about some of the challenges they face, including difficulties renewing passports, traveling abroad, maintaining employment, registering their marriages, and adjusting to Japanese language and culture. I was told that Myanmar nationals do not receive some of the forms of assistance provided to other populations, such as Ukrainians fleeing Russia's invasion. I raised these concerns with the Government of Japan and had conversations with government officials who are committed to improving Japan's policies.

Conclusion

I am extremely grateful for the Government of Japan's invitation to travel to this remarkable country and for the open, frank conversations I have had with government officials and so many others over the past two weeks. I am also thankful for the support and assistance that Japan has offered to the people of Myanmar.

When I announced my mission to Japan two weeks ago, I said, “As conditions continue to deteriorate in Myanmar, Japan’s leadership in addressing a deepening human rights crisis will be essential.” My mission here has reinforced my belief that Japan is well-placed to provide vital leadership on the crisis in Myanmar and to use its considerable influence to help end Myanmar’s nightmare.

I look forward to continuing my engagement with the Government of Japan toward the advancement of human rights and justice for the people of Myanmar.