

**Speech given by expert on the Myanmar legal system Ms Melinda Thet Tun to a public hearing of the Joint Standing Committee on Foreign Affairs and Trade into the effectiveness of the Australian government's response to the military coup on February 1 2021.**

Ms Tun: Thank you. As you know, since 1 February the situation in Myanmar has deteriorated significantly. The Australian government's response has been weak, slow and ineffective. This is not the time for quiet diplomacy. I'd like to represent three reasons why Australia must act now.

First, Australia has unique leverage that few other countries have. We are the destination of choice for families and children of senior members of the military regime. Many of them are living and studying here funded by the proceeds of their parents' military connections and involvement in military enterprises. Their presence in this country is fundamentally contrary to our foreign policy interests. They must be expelled and there is clear legal precedent for DFAT to do so, based on a 2008 decision in the Federal Court of Australia regarding a Myanmar offspring of a military figure. This is not the time for quiet diplomacy. There is also evidence of Australian citizens doing business with military family members, including those on the US sanctions list. Just last year this committee tabled a report which recommended the Magnitsky-style law for perpetrators of serious human rights abuses and corruption. This committee said then that it, 'would see Australia strengthen our commitment to protecting the human rights of people around the world'. Myanmar is a classic example of why we need a Magnitsky-style law immediately. We must stop people who are aiding and abetting the Myanmar military in their crimes, including their family members, from enjoying the proceeds of their abuses right here on the shores of this country.

Second, on the issue of sanctions, we are trying to reverse an incomplete coup which occurred just 70 days ago. The last time sanctions were imposed on the military in the 1990s and 2000s it was to remove a regime that had been in power for decades and was extremely isolated. But 2021 is a different story. The military, their associates and their families now have extensive international business ties, built in the last 10 years after the transition to democracy. This time strong, effective sanctions and visa bans can hurt but we must do it now. This is not the time for quiet diplomacy. At present, the military does not have effective control over the population or the state apparatus to be recognised as the government of the sovereign state of Myanmar. Ordinary people in Myanmar are showing extraordinary courage to ensure their state, their country, does not fall under military rule. Democracies like Australia cannot stand idly by issuing statements while the military removes an elected government at gunpoint and commits atrocities on 54 million civilians. Committee members, if, as you say, Australia is serious about protecting the human rights of people around the world, we must act now, not six months or one year down the track when the military has consolidated power and gained the upper hand. I repeat: this is not the time for quiet diplomacy.

My third and final point for today is that Myanmar represents one of the most serious regional crises in South-East Asia in decades. If this continues there will be significant regional instability, large outflows of refugees and armed conflict in the heart of Asia for years. If Australia wants to be taken seriously as a regional player and a middle power we must master the political will to act rather than sitting on the sidelines and issuing statements. Also, I emphasise that we are not arguing. We represent a different voice, a different set of values and different interests. We must exercise our voice and demonstrate clearly what we stand for. I repeat: this is not the time for quiet diplomacy.