

# ASEAN Must Protect, Not Neglect Human Rights in Burma

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The Network for Human Rights Documentation - Burma  
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## ntroduction

Ahead of the 46th ASEAN Summit to be held from 26-27 May 2025, members of the Network for Human Rights Documentation - Burma (ND-Burma) are concerned about the ongoing failure of regional leaders to hold the military junta accountable for its widespread and systematic crimes against civilians.

The upcoming gathering of ASEAN officials and dialogue partners presents an opportunity to heed the calls of civil society organizations, which have [urged](#) decisive and firm action to the worsening human rights, humanitarian, and political crisis in Burma following the February 2021 attempted military coup.

***The failure of ASEAN thus far to adequately address the multiple challenges in Burma has undermined its credibility in promoting peace and democracy, with innocent civilians suffering the most as they are forced to bear the burden of war.***

The situation in Burma has worsened, with over three million displaced and [declining](#) donor support placing additional strain on local people. Even after the earthquake at the end of March 2025, the junta has [not adhered](#) to its ceasefire and continues to attack communities from the air and ground.

The lack of attention and action by ASEAN has led to the ongoing persecution of ethnic people, including the Rohingya, who are at a risk of [heightened atrocities](#) being committed against them.

Moreover, frontline defenders, including ethnic health providers, women human rights defenders, and journalists, have faced targeting by the military in a lethal and coordinated campaign to suppress dissent.

Since the failed coup, ASEAN has been chaired by Brunei, Cambodia, Indonesia, Laos, and, most recently, Malaysia, which took on the role with the [theme](#) of 'Inclusivity and Sustainability.' Despite efforts such as the [Five-Point Consensus](#), which ASEAN has [refused](#) to reform or challenge the junta on its obligations, the regional bloc has consistently failed to hold the regime accountable to achieve lasting change in Burma.

In 2023, Malaysian Foreign Minister Zambry Abdul Kadir [called for](#) "strong" actions against the military General, mentioning that the "obstacles" they have posed have hindered efforts to implement a plan for restoring peace.

Yet, in its current Chairmanship, these remarks appear contradictory given the [engagement](#) the Malaysian Prime Minister has initiated, including meetings with the coup leader, which undermines this very precedent. Ahead of which, civil society, the National Unity Government and Ethnic Revolutionary Organizations [expressed](#) 'grave concern' over these engagements, stating:


***"Any unilateral engagement with the military-leader- widely regarded as a terrorist- must be approached with utmost caution."***

Furthermore, this process must take place in a genuine and inclusive way, led and owned by Myanmar approach. No ASEAN leadership has managed to confront the crisis for what it is—a devastating unravelling of human rights and freedoms at the helm of an authoritarian regime fueled by power-hungry dictators.

In accordance with the UN Security Council's Resolution 2669, [adopted](#) on December 21, 2022, violence in Burma must end immediately. The resolution also calls for the release of unlawfully detained political prisoners and urges the military to restore democratic institutions. Additionally, it emphasizes the need for concrete actions and reforms to implement the ASEAN Five-Point Consensus.

In the aftermath of ongoing foreign policy shortfalls, ASEAN must develop a new direction and strategy and fundamentally shift its priorities. This would establish a precedent that the junta is not above the law. Those in attendance must work together to advance human rights in line with calls from civil society and grassroots networks rather than appease the junta and risk legitimizing it on the global stage.

Further, this short paper by ND-Burma will briefly assess the failed response by ASEAN in holding the junta accountable for its crimes against civilians throughout the country. It will also demand clear and moral leadership from ASEAN to refrain from negotiations with a terrorist regime and instead engage meaningfully with the leaders and supporters of the People's Revolution.



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## ASEAN's Response to the Situation in Burma

Among the many challenges in achieving tangible outcomes required to address the multiple crises in Burma, there is an evident lack of political will and commitment from ASEAN to collaborate with pro-democracy allies and networks. The junta is losing its legitimacy bid; however, the international community's engagement with it has increased. The current and former leadership in ASEAN, notably since the failed coup, has focused on seeking pathways to political dialogue with the military to end the fighting in Burma, rather than meeting with representatives who are genuinely committed to a federal and democratic future in the country.

Eight months after the attempted coup, Brunei, as the ASEAN Chair, denied Burma's participation in the ASEAN Summit. However, in the following meetings, the junta was extended invitations to conferences and even two ASEAN Regional Forum (ARF) events co-chaired by the United States in April last year.

Since 2022, members of the terrorist regime have also represented Burma at ASEAN human rights meetings, contributing to further miscarriages of justice and due process. This year, coup leader, Min Aung Hlaing, was invited to the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) meeting in Bangkok on 3–4 April, 2025.

Then, the Malaysian Prime Minister Anwar Ibrahim met with Min Aung Hlaing in mid-April following the earthquake, in a move that lacked transparency and the inclusion of local stakeholders. The Prime Minister claimed the meeting was held on humanitarian grounds. However, civil society organizations, including several ND-Burma members, quickly asserted that the junta cannot be trusted to provide or allocate any assistance; instead, it has strategically sought diplomatic engagements to exploit the crisis for its own benefit. During the discussions in Bangkok, the regime carried out airstrikes in earthquake-affected areas despite declaring a temporary ceasefire from April 2 to April 22.

Amid the ongoing assaults during a recovery and relief effort, Volker Türk, the current United Nations High Commissioner for Human Rights, warned of **“unremitting violence against civilians,”** adding that it is imperative that the military immediately stop all attacks. This was echoed by ND-Burma member, the Chin Human Rights Organization (CHRO), who claimed that there was no reason or evidence to support taking the junta's so-called ceasefire, stating: **“Stop calling for a ‘ceasefire’ that never existed, and stop pretending both sides are equally to blame.”**

Moreover, local human rights organizations have [encouraged](#) ASEAN's response to the worsening crises in Burma to reflect the strategies and suggestions put forth by communities in exile and human rights defenders on the ground in Burma. This includes input from various social and political sectors, the armed opposition, military junta defectors, representatives from the Civil Disobedience Movement (CDM), heads of state from the National Unity Government (NUG), the Karenni State Consultative Council (KSCC), and other locally established interim governments.

ASEAN, especially the current Chair, Malaysia, must heed these calls by pursuing accountability pathways that hold the junta accountable while stimulating democratic restoration. ASEAN must urgently fill the gaps in humanitarian aid and access by collaborating with locally trusted organizations that have been embedded in their communities for decades.

## **Concerns and Calls to ASEAN Ahead of the Summit**

Ten leaders of ASEAN member states will participate in the upcoming summit on May 26 and 27, 2025, in Kuala Lumpur, Malaysia. Approximately 20,000 people, including delegates, representatives, participants, secretariat members and staff, are expected to [attend](#) the Summit and dialogue partners, including China, South Korea, Japan, Australia and the US, alongside members of ASEAN.

The agenda will focus on regional issues, of which Burma is of utmost concern. Given the volatility and instability it is experiencing, the increasing levels of violence since the coup are compounded by attacks on disaster relief efforts following the earthquake. The main points for discussion are expected to address [trade and humanitarian aid](#).

The discussions regarding Burma must address the ongoing deliberate disregard for civilians, as well as the following:

### ***Denounce the Junta's Sham Election Plans***

The military junta is desperate for legitimacy. The people of Burma do not recognize them as the government, and the regime's [repeated claims](#) of electoral fraud in the 2020 election not only lack credibility but have been repeatedly denounced. Their [plans](#) for an election later this year are the latest in their bid to be seen as the 'government' of Burma.

ASEAN must stand firm by not supporting this sham effort and instead establish itself as a body committed to upholding and promoting democratic rights, which includes not legitimizing or recognizing this election. Any form of diplomatic engagement should only occur with civil society or representatives of the NUG, given the junta's track record of repeatedly targeting civilians.

### ***Provide Humanitarian Assistance Through Local Organizations***

For years, in the aftermath of natural disasters and prolonged periods of war, the junta has consistently undermined and intercepted humanitarian aid relief efforts. The situation following the earthquake has been no exception, as the regime is once again seeking to manipulate aid for its political gain.

ASEAN must urgently demand a halt to this unlawful interference and work to ensure that humanitarian aid is delivered to all affected communities without obstruction by the regime. Furthermore, ASEAN should utilize cross-border humanitarian assistance provided directly by reliable local ethnic service providers, civil society organizations, ethnic health organizations, and community-based groups. This guarantees that support is delivered to the most vulnerable while avoiding legitimizing the junta, weaponizing aid, and ensuring a locally-led response.

### ***Prioritize Immediate Protection of Civilians***

Over four years have now passed since the attempted coup, and yet ASEAN remains distanced and distracted from prioritizing civilian safety and security. While seemingly focused on ceasefires, negotiations, and peace talks, this failed diplomatic strategy has come at the cost of risking the legitimization of the military junta. ASEAN has yet to condemn the junta's war crimes or crimes against humanity. Their silence and neutrality have enabled the worsening attacks to remain ongoing, including the forced displacement of over three million people.

ND-Burma members are all actively documenting human rights violations, which indicate that the junta is deliberately launching airstrikes and firing indiscriminately into civilian areas, targeting villages, schools, hospitals, religious sites, community centers, and IDP shelters.



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In addition, the Human Rights Foundation of Monland (HURFOM) documented that residents of Pyigyí Mandai town in Bokepyin Township have been forced to flee en masse following sustained artillery shelling by junta forces stationed in Lay Nyar village. Beginning at 10:00 AM and continuing until the evening of May 6, Light Infantry Battalion No. 560, based in Lay Nyar, has been relentlessly firing artillery shells toward Pyigyí Mandai, even though no active clashes had been reported in the area. The intense shelling prompted nearly the entire town to evacuate in fear for their safety.

If discussions at the ASEAN Summit are to be taken seriously, they must urgently prioritize the protection and humanitarian needs of civilians trapped in conflict areas.

### ***Recognize and Engage with Legitimate Representatives of the People's Revolution***

ASEAN should formally recognize and engage with the true representatives of the people of Burma, including the National Unity Government, Ethnic Revolutionary Organizations, and community-based administrations such as the Karenni State Interim Executive Council (IEC). These groups have long secured the trust of local communities and have an active presence on the ground, making a difference by serving conflict-affected communities in areas beyond the junta's control. They must also open channels for dialogue with locally-led human rights organizations and women human rights defenders.


ASEAN leaders must also publicly acknowledge and elevate the crucial role that civil society, human rights defenders, and local community groups play in Burma's human rights landscape. These individuals and groups document abuses, protect civilians, and help communities remain resilient through one crisis after another. They require greater political backing and tangible financial support to continue this life-saving work.

## **Advocate for Accountability for Victims and Survivors through International Justice Referral Pathways**


ASEAN should actively support the following international accountability mechanisms. Without consequences for war crimes and crimes against humanity that the junta has committed, there is no possibility for reparations or meaningful peace and reconciliation through transitional justice pathways in the future.

The following pathways must be supported by ASEAN and advocated for:

 **The Independent Investigative Mechanism for Myanmar (IIMM)** is a UN entity established by the UN Human Rights Council in 2018 in response to reports of gross human rights violations amounting to serious international crimes.

 **The International Criminal Court** is an international tribunal in The Hague, Netherlands. It is a permanent court established to investigate and prosecute individuals accused of genocide, crimes against humanity, war crimes, and the crime of aggression. However, It has limited jurisdiction in cases related to Burma. Crimes perpetrated by the junta have been investigated along the Bangladesh border because it is a signatory to the Rome Statute. However, Burma has not signed it.

While it is not an ICC member state, the National Unity Government (NUG)—the body representing Burma’s democratically elected leaders—lodged a 12(3) declaration with the Court’s registrar on July 17, 2021, accepting the Court’s jurisdiction for international crimes committed on Burmese territory since July.

 **The International Court of Justice (ICJ)**, is the only international court adjudicating general disputes between nations and giving advisory opinions on international legal issues. It is one of the six organs of the United Nations and is located in The Hague, Netherlands at the Peace Palace. In 2017, The Gambia filed a case against Myanmar at the ICJ, accusing it of committing genocide against the Rohingya.

The challenge is that while there is already sufficient evidence against the junta to prosecute them for their crimes, there are no courts with the jurisdiction to prosecute the military.



## Conclusion

It is overwhelmingly clear that ASEAN must significantly increase its efforts and coordination to respond to the crisis in Burma with the urgency it demands. Thailand and Malaysia, as core members of ASEAN and countries that often lead negotiations and compromises with the junta, should also uphold international human rights standards and humanitarian norms. They must refrain from transferring deported youth and undocumented workers to border forces controlled by the junta. Such actions could send them into danger, where the junta may exploit them as human shields.

For refugees, internally displaced persons (IDPs), and communities affected by conflict, every moment that passes without credible and effective action regarding the situation in Burma increases uncertainty. There are opportunities within ASEAN to liaise, build connections, and support civil society by collaborating with them as partners and leveraging their expertise in transitional justice and reforms to ensure a new Burma can thrive as a federal democracy.

Meetings with the junta represent not only a betrayal of the pro-democracy movement but also a glaring failure by international and regional systems to understand the harm that the junta has directed against local communities. While ASEAN seeks to broker peace deals, the regime is acquiring mass weaponry from countries including China, Russia, and India. Bullets and ammunition have no place in peaceful negotiation; they are used to advance an agenda driven by their self-interest in power and profits.

ND-Burma, therefore, calls on ASEAN to engage with the NUG and representatives of the pro-democracy movement to pursue dialogue that would explore meaningful solutions to support those affected by the junta's ongoing violence, including advocating for pathways to justice and reparations for victims and survivors of the junta's crimes.

ASEAN must advocate for a global arms embargo against the junta, including a targeted ban on aviation fuel and dual-use goods. Such sanctions will directly diminish their ability to continue their systematic violence against civilians. They must also firmly demand an immediate end to the junta's widespread forced conscription, especially targeting young people, and the arbitrary arrests of civilians, including human rights defenders and activists. These actions not only force more individuals to flee their homes but also instill deep fear, trauma, and long-term damage to trust and stability within communities.

We urge ASEAN member states to be extremely cautious not to become complicit in the junta's war crimes.

## ecommendations

### To ASEAN

1. Effectively and immediately end all ties with the junta that has no interest in ending its attacks on civilians in Burma. These efforts must be redirected to pursue justice pathways for victims and survivors of the junta's assaults, including through transitional justice pathways.
2. Refrain from extending invitations to the junta for any meetings requiring their participation related to ASEAN or regional affairs, as their presence risks legitimizing their status as the leaders of a country that the people do not recognize.
3. Collaborate with civil society organizations and democratically elected officials in Burma, such as those associated with the National Unity Government and federal bodies, including the Karenni Interim Executive Council, regarding all matters related to peace, democracy, and meaningful steps towards justice.
4. Urgently reform the deeply flawed and problematic 5-Point Consensus, which the junta has utterly failed to adhere to.
5. Enforce protection mechanisms to shield young men and women from the junta's forced conscription efforts and assist them in seeking refuge and asylum in neighbouring countries with adequate safeguarding measures in place.
6. Mandate protections for migrants and refugees living in neighbouring countries, after having fled for their safety, who are at risk of being deported back to Burma and into military custody.
7. Provide humanitarian aid to internally displaced persons through cross-border channels in collaboration with local civil society organizations, community-based organizations, the National Unity Government, and federal bodies such as the Karenni Interim Executive Council, as well as ethnic armed organizations involved in humanitarian efforts.



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