

Ayuba Wabba

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Sharan Burrow

General Secretary
Secrétaire générale
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Mr Javier Pérez-Tasso

CEO
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GS/km

3 September 2021

Myanmar

Dear Mr Pérez-Tasso,

I am writing on behalf of the Global Labour Movement which represents more than 200 million workers in all sectors of our economies across the world.

As the General Secretary of the ITUC I wish to express our concern that the financial services of SWIFT are enabling companies with commercial ties to Myanmar's junta to continue to operate. We request an active recognition that ethical companies have suspended operations and Governments have taken action with targeted sanctions.

You would be aware that on 1 February 2021, the Myanmar military carried out a coup d'état against the country's democratically elected government. The military's increasingly repressive and murderous crackdown against pro-democracy protesters has led to hundreds of deaths, including summary executions, and thousands more detained, tortured and injured. The UN General Assembly condemned the coup in a resolution passed on 18 June 2021 demanding the end of the five-month-old military takeover, an end to the killing of opponents and freedom for imprisoned civilian leaders.

As trade unions whose members and their families are being targeted by the military, we call on all economic actors to end any direct or indirect business relationships or financial ties to military-owned businesses and to use their leverage to secure the release of detainees, restore democratic institutions, and guarantee the human and labour rights of all Myanmar workers.

We are well aware that your financial services facilitate both business and the bank operations named in the report of Bank Track concerning Myanmar.

It is increasingly recognised that facilitating the ongoing operations of the Myanmar's military or state entities under military control is enabling brutality, incarceration, and loss of life. Legitimate business is simply not possible in this environment.

There is increasing international pressure from States, multilateral institutions, and civil society organisations for businesses to act, including an increasing number of targeted sanctions against military officials and military-affiliated entities, the freezing of these individuals' and corporate assets, along with the international protest and condemnation.

On 25 March 2021, the U.S Department of the Treasury's Office of Foreign Assets Control (OFAC) sanctioned the military's two largest conglomerates, Myanmar Economic Holdings Public Company

Limited (MEHL) and Myanmar Economic Corporation Limited (MEC), and the European Union followed suit on 20 April 2021, with measures that have expanded to cover 43 individuals and 6 entities including MEHL and MEC, gem and timber companies. Nevertheless, the military junta is still extracting wealth through tariffs, fees and tax payments from companies which have foreign investors. It gets further revenues from various state-owned enterprises it controls, such as Myanmar Oil and Gas Enterprise.

The United Kingdom, Canada, Australia, and New Zealand have taken similar actions.

The responsibilities of banks and financial services entities are clear. Under the United Nations Guiding Principles on Business and Human Rights and OECD Guidelines, all business enterprises, including investors, should take the necessary steps to cease, prevent, or mitigate adverse human rights impacts which they cause, contribute to, or are directly linked to through their business relationships. As clarified in the OECD's guidance on Responsible Business Conduct for institutional investors, minority shareholders such as banks or other institutional investors have human rights responsibilities for the human rights impacts of their investee companies.

A growing number of institutional investors, including banks, have acted upon this responsibility regarding the risks of their investments in Myanmar. For example, 77 institutional investors with \$4 trillion in assets under management have signed an investor statement which outlines steps for companies with operations linked to Myanmar.

In the current situation following the coup in Myanmar, urgent and heightened due diligence activities are needed by all companies with business relationships in the country given the severity of the human rights impacts.

We intend to mark September 15, the International Day for Democracy, in solidarity with the courage of the people in Myanmar fighting for their country's democratic freedom and expose those companies and services which are directly or indirectly aiding and abetting the perpetrators of this military coup.

In the interests of global responsibility, I request a meeting with you on the 15th to discuss these matters and how your services can be withdrawn where they facilitate harm.

With best regards,

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.' followed by a stylized flourish.

General Secretary