RESTORING DEMOCRACY IN MYANMAR

Thi Thi Han & Alex Kaung Myat Ahkar
BACKGROUND HISTORY OF MYANMAR

1885
Colonized by the British

1948
Occupied by Japan in WWII and became independent

1962
The military (Tatmataw) took power in a coup in 1962 and nationalized major economic sectors - underwent a socialist regime

1988
Civilian unrest in the 1988 led to anti-government protest that was suppressed by force

1990
Opposition parties won in national elections, but the army remained in control, changing the name of the country to Myanmar
2008: The Constitution was adopted

2011: Military rule transitioned into quasi-civilian government led by a retired military general

2013: County opened up - Foreign Investment boomed

2015: Election took place
National League for Democracy (NLD) won by landslide
Civilian President elected

2017: Rohingya Crisis surfaced

2020: Another Election took place
NLD won by landslide again
Covid Challenges
On the day of the first session of the parliament, the military junta unlawfully staged a coup d'état, arresting cabinet/parliament members and leaders.
The entire country rose up against the military

Protests were heavily cracked down by the Military - protestors were shot in the heads
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From Peaceful Protest

dozens of protesters started to join Ethnic Resistance Organizations

National Unity Government - NUG formed

first large-scale conflicts arising from the 2021 coup in Mindat between Military and CDF

NUG announced the formation of People’s Defense Forces

2021

CRPH was formed

Feb 5

Feb 26

UN Myanmar Permanent Rep. spoke on behalf of the people at the UN General Assembly

late March

April 16

National Unity Government - NUG formed

April

May
Facts & Data

2 years since the Coup

Deaths: 2,894
- Women: 447
- Children: 279

Illegally Imprisoned: 13,689
- Death Penalty: 101

Displaced: 1,574,400

Ref: The Assistance Association for Political Prisoners (Burma), United Nations, National Unity Government, Ministry of Women, Youth & Child Affairs
Non-International (or) Internal Conflict
according to common Article 3
International Humanitarian Law

Parties to the Conflicts

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<tr>
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<th>Military (Tatmataw)</th>
<th>Ethnic Resistance Organizations</th>
<th>Public Defense Forces</th>
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<td>IHL, IL</td>
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<td>Large scale conflicts</td>
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CONFLICT MAP

https://myanmar.iiss.org/
Effective Control Doctrine

- Control over the greater part of Myanmar’s territory
- Habitual obedience of the mass of the population
- A reasonable prospect of permanence
- Compliance with obligations under international law
Exile or Legitimate?

CRPH
Formed by elected representative of the Parliament - Act as a Congress

NUCC
Include EROs, Protest Groups, Civil Societies, Student Unions and allies - Federal Democracy Charter

Territorial Control
NUG/EROs have over 50% of territorial control over Myanmar

Judiciary and Administrative Control
NUG has established courts over 30 townships in Sagaing and Magway states. Administrative and prison systems have put in place too.

Physical Presence
Acting President, Prime Minister, majority of cabinet members in the liberated areas of Myanmar - a few operating outside Myanmar

NATIONAL UNITY GOVERNMENT
LATEST SUPPORT FROM THE US & INTL’ COMMUNITIES
SANCTIONS
FROM THE INTL’ COMMUNITIES

- US sanctioned oil & gas sector, mining sector, election commission on January 31, 2023
- UK and Canada sanctioned aviation fuel industry on January 31, 2023
- Australia started their sanctions on January 31, 2023
Burma Act
Where?

- Passed the House in April 2022 but never passed the Senate
- **December 2022** - Portions of Burma Act were attached to the National Defense Authorization Act (NDAA)
Support the people of Burma in their struggle for democracy, human rights, and justice

Support the efforts of the NUG, NUCC, CRPH, CDM, and other entities that oppose the military

Support a credible process for the restoration of civilian government in Burma

Hold accountable perpetrators of human rights violations

Hold accountable Russia and China for their support of the military

Provide humanitarian assistance to victims of violence

Secure the unconditional release of all unlawfully detained individuals

Provide humanitarian assistance to the people of Burma in Burma and the surrounding region
Sanctions

The US will impose sanctions that:
- prohibit all transactions in all property;
- prohibit any transactions in foreign exchange;
- block entry to the US;
- revoke current visas and deny visa or other documentation.

These sanctions will affect:
- Senior officials of the Burmese military or security forces; the SAC; and entities in the defense sector;
- Burmese state-owned commercial enterprises that financially benefit the Burmese military.

The US may impose additional sanctions on:
- MOGE;
- any state-owned enterprise that financially benefit the Burmese military;
- spouse or adult child of senior officials;
- any foreign person that engaged in undermining democracy and supporting the Burmese military.
Sanctions and Policy Coordination

The U.S. will develop a comprehensive strategy to:
- coordinate sanctions policies of the US with relevant bureaus and offices;
- conduct research and vetting of entities and individuals to impose sanctions;
- enforce anti-money laundering and anti-corruption laws and regulations;
- promote a comprehensive international effort to impose and enforce multilateral sanctions.

Greater Actions in the UN

In the United Nations, the US will push for:
- Security Council resolution condemning the military;
- Security Council resolution imposing a global arms embargo against Burma;
- Providing humanitarian assistance directly to the people of Burma;
- Multilateral sanctions against the Burmese military for its atrocities.
International law recognizes that certain crimes are so serious that the duty to prosecute them transcends all borders—*hostes humani generis*—“enemies of all mankind”

- crimes against humanity, war crimes, genocide, and torture
CURRENT PROCEEDINGS

Argentina

Burmese Rohingya Organization UK
November 26, 2021

Turkey

Myanmar Accountability Project
March 29, 2022

Germany

Fortify Rights
January 24, 2023
JUSTICE ACCOUNTABILITY PROJECT

Coordinating Working Group
NUG, UN Myanmar Rep, IIMM, Fortify Rights, Myanmar Accountability Project, Legal Scholars etc.

Project Activities
- UJ mapping (WRCO)
- Identifying stakeholders
- Bringing claims
“This is dedicated to those who have fallen, those who have sacrificed, and those trying to go back home in this Myanmar Spring Revolution”

https://youtu.be/iFT2NgyyeS8
THANK YOU!

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