

RESTORING
DEMOCRACY IN

MYANMMAR

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

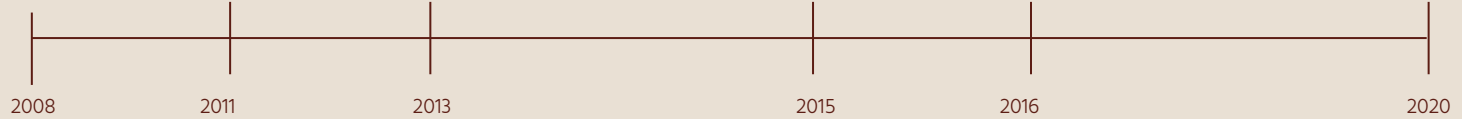
1990

Opposition parties won in national elections, but the army remained in control, changing the name of the country to Myanmar

MYANMAR DEMOCRATIC TRANSITION

2008

The Constitution was adopted



2011

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

2013

Country 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

February 1, 2021

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.

PEACEFUL PROTESTS

The entire country rose up against the military



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

PEACEFUL PROTESTS

The entire country rose up against the military



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

PEACEFUL PROTESTS

The entire country rose up against the military



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

2021

From Peaceful Protest

To Armed Revolution

CRPH was formed

Feb
26

dozens of protesters started to
join Ethnic Resistance
Organizations

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

April 16

May

Feb
5

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

late
March

National Unity
Government-**NUG**
formed

April

NUG announced the
formation of
People' Defense
Forces

Facts & Data — 2 years since the Coup

Deaths — 2,894 — 447 women — 279 children

Illegally Imprisoned — 13,689 — 101 Death Penalty

Displaced — 1,574,400

Non-International (or) Internal Conflict

according to common **Article 3**
International Humanitarian Law

Parties to the Conflicts

	Military (Tatmataw)	Ethnic Resistance Organizations	Public Defense Forces
IHL, IL	●	●	●
Institute	●	●	●
Large scale conflicts	●	●	●
People's support	-	●	●
State Actor	●	?	?



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?

NATIONAL UNITY GOVERNMENT

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**

Physical Presence

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

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.

LATEST SUPPORT FROM THE US
& INTL' COMMUNITIES



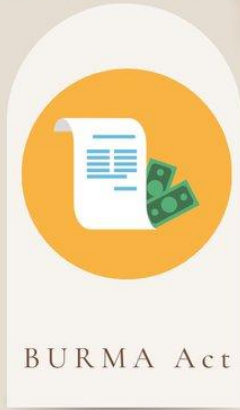
SANCTIONS

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



WHAT'S THE DIFFERENCE?
NDAA AMENDMENTS
VS.
BURMA ACT 2021



@USACM3

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)

NDAA SUMMARY

Statement of Policy

Support the people of Burma in their struggle for democracy, human rights, and justice

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

Hold accountable Russia and China for their support of the military

Secure the unconditional release of all unlawfully detained individuals

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

Hold accountable perpetrators of human rights violations

Provide humanitarian assistance to victims of violence

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



NDAA SUMMARY

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.



NDAA SUMMARY

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.



UNIVERSAL JURISDICTION

THE PRINCIPLE

- 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!

အရေးတော်ပုံအောင်ရမည်

