Association of Southeast Asian Nations

The Situation in Myanmar

Research Report

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Introduction

The people of Myanmar, which is also known as Burma, have been facing many challenges in the past years. In February 2021, the Burmese military seized control of the government and arrested the senior leaders of the National League for Democracy (NLD), the political party which won the general elections. Then the military formed the State Administrative Council (SAC) to govern the area led by General Min Aung Hlaing. In response, the NLD-led Committee Representing Pyidaungsu Hluttaw (CRPH) formed a National Unity Government (NUG) and has been declared a terrorist group by the SAC.

Following the takeover, thousands of people opposing the military's actions took part in protests, strikes and civil disobedience movements, which in many cases were met with lethal violence. According to the Assistance Association for Political Prisoners (Burma) (AAPP), as of 19 August, the total number of political prisoners since the coup d'état is 15.161, out of which 12.064 are still detained, and the total number of individuals killed by the SAC's security forces is 2.227.

Definition of Key Terms

coup/ coup d'état

A coup is the violent overthrow of an existing government by a small group of people. A coup usually only results in the change of power at the top without altering the "fundamental social and economic policies or redistributing power among competing political groups"[1].

Hluttaw

The word Hluttaw in Burmese history refers to a council of ministers who managed the government.

[1] quoted from: https://www.britannica.com/topic/coup-detat

Committee Representing Pyidaungsu Hluttaw
The committee was formed to "perform those necessary activities and duties that have been entrusted upon them by the people, to ensure the unconditional release of the senior NLD leaders detained"[2 by the military in February 2021.

Pyidaungsu Hluttaw
"Assembly of the Union" or "Union Parliament".
It is Myanmar's highest legislative body made up of Pyithu Hluttaw (House of Representatives) and Amyotha Hluttaw (House of Nationalities).

State Administrative Council (SAC)
It was formed by the military after seizing control of the government, and it is led by General Min Aung Hlaing. Since then, the SAC has been receiving international sanctions and condemnations for its violent acts toward protesters, ethnic minorities, political prisoners and members of the opposition, which actions are considered suppression of human rights.

National League for Democracy
This political party was founded in September 1988 after a series of protests in August 1988. Its chairperson, Aung San Suu Kyi, has been awarded the Nobel Peace Prize. The party aims to achieve non-violent multiparty democracy in Burma.

Political prisoners
The Assistance Association for Political Prisoners defines political prisoners "as anyone arrested, detained, or imprisoned because of their perceived or known active role, perceived, or known supporting role, or in association with activities promoting freedom, justice, equality, human rights, including ethnic rights, in association with the pro-democracy movement."

Junta
A junta can be defined as a military government which has taken power by force and not by fair election.

National Unity Government
It was established by CRPH after the military coup in 2021 in an attempt to counteract the military regime. It views itself as an advocate for the people of Myanmar who have suffered from structural violence for decades.

People's Defence Force (PDF)
The National Unity Government formed this force in May 2021 to create an army which, in their opinion, would "truly protect its people and the country"[3.

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[2] partially quoted from https://www.crphmyanmar.org/who-we-are/
[3] quoted from https://mod.nugmyanmar.org/en/peoples-defence-force/

General Overview

February 2021 was not the first time the military seized power by a coup d'état in Burma. After gaining sovereignty under British colonial rule in 1948, Myanmar became a parliamentary democracy until General Ne Win arrested U Nu, the Prime Minister of the time. The general stated he aimed to keep the Union of Burma from disintegrating, hence the arrest of Prime Minister U Nu, and to pave the way for Myanmar to become a "truly socialist state"[4. Ne Win ruled the state with a Revolutionary Council made up of military officers and he also established the Burma Socialist Programme Party (BSPP), which was controlled by the military as well. Under Ne Win's authority, the major Burmese enterprises became nationalised and he established a command economy, meaning that economic activity was controlled by the government and production was publicly owned. The economy deteriorated rapidly, leading to rapid shifts in Burmese currency, corruption and food shortages. The displeased public organised massive protests in August 1988, which were met with a violent crackdown resulting in mass killings of peaceful protesters, police officers and health workers. In the aftermath of the protests, Ne Win resigned as president.

In September 1988, just a month after the protests against the military regime, another coup was launched by the military, this time by a General called Saw Maung. He established the State Law and Order Restoration Council (SLORC). The new government implemented many changes, including changing the country's name from Burma to Myanmar, and in 1990 the first multiparty elections were held in which the National League for Democracy (NLD) participated as well. The elections posed a landslide victory for NLD, nonetheless, SLORC would not allow new legislation to form. In the upcoming years, the military tried to solidify its economic and political hold on the country by drafting a new constitution and suppressing the NLD by keeping the leaders Tin U and Aung San Suu Kyi under house arrest. In 2011 came a short transition period when Thein Sein was elected as president of Myanmar, who then granted amnesty to political prisoners, decreased media censorship and implemented policies encouraging foreign investment, something which was impeded by all previous military regimes.

2015 proved to be a change towards a democratic Myanmar when the NLD won a considerable majority in the available government seats. In 2016 the NLD's candidate, Htin Kyaw won the election to become president, and soon, Aung San Suu Kyi became State Counsellor. Nevertheless, the Tatmadaw (= the military) remained in control of domestic security and still had reserved parliamentary seats protected by the constitution established in 2008. In 2016 and 2017, the Tatmadaw used its power to launch a violent campaign against the Rohingya people, a predominantly Muslim ethnic minority, killing thousands and displacing more than a million refugees. It was suspected by the UN that the military committed genocide against the Rohingya people, but both Suu Kyi's government and the military denied these accusations.

[4] quoted from https://www.britannica.com/place/Myanmar/Since-independence

The next election was held in November 2020, where again, the NLD had won with a clear majority. The military-aligned Union Solidarity and Development Party (USDP) rejected the results of the election alleging that they were fraudulent and called for a rerun of polls, which the electoral commission refused since there was no evidence of fraud that affected the results. In February 2021, the military performed a coup led by General Min Aung Hlaing. The general declared a State of Emergency, which, by the 2008 Constitution of Myanmar, handed over the power to the Tatmadaw. State Counsellor Aung San Suu Kyi and President U Win Myint, among other senior leaders of NLD, were arrested on charges of corruption and violations of electoral and state secrets laws.

The coup resulted in a series of strikes, protests and civil disobedience movements, which were violently cracked down by the SAC by using rubber bullets, tear gas, water cannons and even potentially lethal force, not sparing innocent bystanders either. According to Amnesty International, "the UN Special Rapporteur on the situation of human rights in Myanmar reported that, as of September 2021, 200 000 people had been forcibly displaced to escape air strikes, shelling and arson attacks" and the military is not above using civilians as human shields.

The military government added amendments to the Penal Code, which criminalised both intended and actual criticism of government actions. They added Section 505(a), which criminalised comments that "cause fear" or spread "false news" and people "committing or agitating, directly or indirectly, a criminal offence against a government employee". Section 505(a) carries a sentence up to three years. "New provisions were also introduced in the Criminal Procedure Code to allow searches, seizures, arrests, surveillance and interception of communications to take place without warrants"[5].

Human Rights violations do not just stop at violating people's freedom of expression and association. Relatives of the detained citizens reported seeing injuries or signs of either torture or ill-treatment on the prisoners they have visited, and the UN also documented the use of torture on the prisoners, even to the extent of death. The interrogation techniques also include threats of sexual violence or sexual violence itself as a form of torture both on women and men. Also, there have been reports of rape and other types of sexual violence by the military against women and children during military raids.

The conflict had a major effect on the healthcare system since health workers who provided medical care to protesters were arrested by security forces; also, according to Amnesty International, in 2021, the WHO reported more than 286 attacks on healthcare facilities and workers. The sexual and reproductive healthcare for women and girls is limited as well; women have to give birth without access to basic medical needs, and in some cases, newborn babies died due to not having shelter or medical attention.

[5] quoted from https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/

Major Parties Involved

State Administrative Council (SAC)
It is the government established by the military; it serves as one of the main perpetrators of the dire situation in Myanmar.

National Unity Government (NUG)
It is the opposition of the SAC, the other side of the ongoing civil war; it was formed after the arrest of NLD leaders.

ASEAN
ASEAN has been trying to resolve the conflict in Myanmar by first inviting the military junta's leader to Jakarta to discuss the Five-Point Consensus, then setting up a special envoy to persuade the parties of the conflict to work out an action plan to solve the issue peacefully.

China
For decades China wanted to use Myanmar "to gain access to the Indian Ocean, open a strategic energy corridor and boost development of its landlocked interior. As with other countries on its periphery, China considers the China-Myanmar borderlands critical to its national security and remains vigilant against any form of Western encroachment."[6].

Russia
Russia is a supplier of weapons to the military government, despite knowing they are used against civilians. The UN Special Rapporteur on human rights in Myanmar said Russia and Myanmar "have a close and very important relationship".

Timeline of Events

1948	Myanmar gains independence from British colonial rule
1962	Military coup led by General Ne Win
August 1988	Protests against military rule, which were met with violence
September 1988	Military coup led by General Saw Maung

[6] quoted from https://www.usip.org/publications/2022/05/us-asean-summit-chance-explore-new-steps-resolve-myanmars-conflict

27 September 1988	The National League for Democracy is founded
2015	NLD wins a considerable majority in parliamentary seats
2016	The candidate of the NLD wins the presidential election; Aung San Suu Kyi becomes State Counsellor
2016-2017	Tatmadaw's harsh campaign against the Rohingya people
November 2020	NLD wins with a clear majority; military-aligned USDP suspects
February 2021	Tatmadaw seizes power and arrests the senior leaders of the NLD

Previous Attempts to Solve the Issue

ASEAN's Failed Five-Point Consensus

Right after the military seized power in 2021, ASEAN invited the military chief to Jakarta to discuss the "Five Point Consensus" with him to try to stabilise the situation.
The five points the military junta's chief and the other 9 ASEAN countries signed were

1. that all violence in Myanmar be halted immediately;
2. that parties concerned engage in constructive dialogue to seek a peaceful solution in the interests of the people;
3. that a special envoy of the ASEAN chair facilitate mediation of the dialogue process, with the assistance of the Secretary-General of ASEAN;
4. that ASEAN provide humanitarian assistance;
5. that the special envoy and delegation visit Myanmar to meet with all parties concerned.

Although these were ambitious goals since the opposition to the military regime was not consulted before or during the meeting, neither the coup's leadership nor the National Unity Government (NUG) accepted the terms.

Special Envoy to Negotiate the Implementation of the Five-Point Consensus

In August 2021, Erywan Pahin Yusof, Brunei's Second Foreign Minister and ASEAN chair, was picked to negotiate with all the parties to the conflict and to work out an action plan to implement the "Five-Point Consensus" ASEAN established.

Possible Solutions

Imposing Sanctions

Imposing targeted sanctions on Myanmar could signal to the military government that nations do not approve of the coup, however, it would not reverse the situation, only provide future leverage against the Tatmadaw. In any case, the sanctions should be mindfully applied not to punish the people of Myanmar on the whole, just those responsible for the circumstances; measures could focus on sanctioning military-owned enterprises provided they do not excessively hurt the economy of the people.

Cutting Off Weapons Supply

The military has been using lethal forces against peaceful opposition and as of 19 August 2022, a total of 2.227 people were already killed. Even though cutting off weapons supply would not pose much change to the overall state of affairs, the military could not use violence against protesters again.

Delivering Humanitarian Aid

The ongoing civil war has caused food shortages and spreading hunger; according to the UN, as of October 2021, there were three million people in need of humanitarian aid. In the current state of the country, helping the people is as important as reverting the government to democracy. However, the SAC has been working to block any type of humanitarian aid and completely isolate the country from outside assistance, causing that countries need to find creative solutions to provide their support.

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