

1 September 2021

Annex 1 – Additional Human Rights Concerns Observed by the Special Rapporteur

I. Introduction

1. This section is submitted as an annex to the Special Rapporteur’s main report. In this annex, the Special Rapporteur provides additional information about human rights issues covered in the body of the main report. The Special Rapporteur also reflects on additional human rights concerns and the broader context facing the people of Myanmar post-coup.

II. The Junta’s Violation of Civil and Political Rights

A. Freedom of Expression

2. Article 19 of the Universal Declaration of Human Rights protects the right to freedom of expression. For restrictions on the right to freedom of expression to be lawful, they must be provided for in law, applied only in specific circumstances to protect the rights and reputation of others, or to ensure national security, public order, public health, or public morals, and be necessary and proportionate. Proportionality should be interpreted to mean, in part, the least restrictive means to achieve any of the above legitimate aims.

3. The junta’s restrictions on freedom of expression are almost total. It amended Section 505(a) of the Penal Code on 14 February to criminalize speech that “cause[s] fear,” spreads “false news, [or] agitates directly or indirectly a criminal offense against a Government employee.” Violation of the section is punishable by up to three years in prison.

4. The junta has made Section 505(a) a key tool in its repression. Of the 5,716 currently detained, exact charges are known for only 1,416 individuals. 1,108, or 78 percent, of the 1,416 have been charged under 505(a).

B. Freedom of Expression and the Internet

5. Protections of the right to free expression under Article 19 of the Universal Declaration of Human Rights extend to the right to “receive and impart information and ideas through media and regardless of frontiers;” e.g., the internet. At various times after the February 2021 coup, the SAC has restricted internet access, limiting the people of Myanmar’s freedom of expression, restricting the activities of the CDM, and preventing important COVID-19 related information from being disseminated.

6. A temporary, but near-complete shutdown of internet connectivity was documented during the first hours of the coup on 1 February, which was partially restored shortly after. On 6 February, the junta’s Ministry of Transport and Communication (MOTC) ordered a new countrywide temporary shutdown of mobile internet connectivity, which excluded voice calling and SMS services. Mobile internet bans were extended on 15 February to apply during night-time, until a month later on 15 March, the junta retained the mobile internet ban to apply at all hours of the day. On 17 March, the junta added new restrictions on the use of Wifi connectivity in public places and further expanded the ban on 1 April to include all fixed wireless internet services, resulting in over 99 percent of the population having no access to the internet. On April 28, the nightly ban on fixed internet services was lifted, although censorship of certain websites remained in place. On June 4, the MoTC mandated a shutdown of internet services during a National Unity Government Press Conference.

7. When crafting and enforcing these internet restrictions, the junta has invoked Section 77 of the Telecommunications Law, which allows for the government to mandate telecommunications restrictions “when an emergency situation arises for the public interest.”

Following the February coup, the military drafted a Cyber Security Law which greatly augments the power of the government to remove online content, mandate internet shutdowns, obtain data from Internet Service Providers, and regulate speech, with few safeguards to prevent overreach. While the Cyber Security Law has not yet been adopted, key aspects of the draft have been incorporated into amendments to the Electronic Transactions Law.

8. Another tactic used by the military government to limit internet access is reducing internet speeds from 3G and 4G to 2G, increasing the government's ability to surveil communications, as 2G networks are unencrypted, while 3G and 4G networks are encrypted.

9. Telecommunications and internet restrictions have had an outsized economic impact, leading to disruptions to trade and banking services and to salary payments. Small businesses, which often relied on Facebook to garner sales were greatly affected. Researchers tracking the economic costs of internet shutdowns estimate the junta's internet blackouts and restrictions resulted in \$2.5 billion USD loss in economic activity as of 20 August 2021.¹

10. Internet and telecommunications restrictions have greatly impacted information sharing, accountability, and organized resistance to the junta. Internet restrictions prevent accountability efforts and sharing of information relating to government crackdowns, killings, and other human rights violations. In particular, restrictions on Facebook, widely used by Myanmar people, have impeded resistance organizers in organizing protests. Additionally, restrictions on mobile internet access have hindered the ability of people in hiding to communicate as they do not have access to fixed-line internet.

C. The Right to Privacy

11. The right to privacy is enshrined in Article 12 of the Universal Declaration of Human Rights, which demands that, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence . . . Everyone has the right to the protection of the law against such interference or attacks." The right to privacy, like the right to freedom of expression, has been decimated in post-coup Myanmar. The junta aimed to strip all legal protections to privacy in the first two weeks of the coup with amendments to the Ward or Village Tract Administration Law and the Law Protecting the Privacy and Security of Citizens ("Privacy Law").

12. The amendments to the Privacy Law ostensibly give the junta authority to: (1) detain people indefinitely without court authorization (thereby suspending habeas corpus in Myanmar); (2) enter a person's private residence for the purpose of search, seizure, or arrest; (3) surveil, spy upon, or investigate any citizen as they see fit; (4) intercept communications; (5) demand or obtain personal telephonic and electronic communications data from telecommunication operators; (6) open, search, seize or destroy a person's private correspondence; (7) interfere with a person's personal or family matters; and (8) seize or destroy a person's property. These amendments represent a gross violation of human rights and are completely illegitimate.

13. The junta's amendments to the Ward or Village Tract Administration Law reinstated the requirement that individuals report overnight guests to their township's administration. The reinstatement of that requirement allows township administrators to search homes "to examine for prevalence of law and order and upholding the discipline." The junta effectively gave themselves the ability to enter anyone's home at anytime for any reason.

D. Freedom of Association and Trade Unions

14. The junta further restricted freedom of assembly and association by banning most trade unions. Trade unions have become an important force in mobilizing worker participation in the CDM's general strike. On 26 February the junta announced it had banned (albeit without proper authority) at least 16 trade unions for not being properly registered under the Labour Organization Law and threatened legal action against them if they did not follow the ban.

¹ See Top10 VPNs, *The Global Cost of Internet Shutdowns*, Update of 20 August 2021, <https://www.top10vpn.com/cost-of-internet-shutdowns/>; Baldock, Harry, "Just how expensive is shutting down the internet?", Total Telecom, 11 August 2021, <https://www.totaltele.com/510587/Just-how-expensive-is-shutting-down-the-internet>.

The Special Rapporteur has received numerous reports that trade union leaders are in hiding, with police and military conducting door-to-door searches of their homes.

15. Several specific incidents were reported to the mandate, including credible information about trade unionists being shot, injured, killed, or arbitrarily detained during protests. Police and security forces actively sought to detain labour activists through raids in homes and places of work, including factories and commercial banks. In early June, the junta issued arrest warrants for several of the Central Committee members of the Confederation of Trade Unions of Myanmar (CTUM). In addition, passports belonging to CTUM Central Committee members were cancelled by the military authorities. Specific incidents include:

- (a) A youth leader of the Confederation of Trade Unions of Myanmar (CTUM)² was killed while participating in a protest on 27 March, Armed Forces Day, and a youth committee member of the Myanmar Industry, Crafts and Services Trade Union Federation (MICS-TUF) was shot and injured on the same day in a separate incident.
- (b) On 28 March, one MICS-TUF member was killed while participating in a demonstration and another was arrested in a separate incident.
- (c) In March, security forces went to houses searching for union organizers from one of CTUM's affiliates, the Industrial Workers Federation of Myanmar (IWF), and for trade union leaders from several garment factories.
- ((g) On 15 April, security forces arrested the Director of the Solidarity Trade Union of Myanmar and charged her under section 505(a) of the Penal Code.
- d) On 20 April, the police searched for three IWF union leaders at a factory with a warrant for their arrest and also went to the home of one of them, who managed to escape.
- (e) The junta has arrested 12 members of the University Teachers Association, an affiliate of the Agriculture and Farmer Federation of Myanmar – Food Allied Workers (AFFM-IUF), under section 505(a) of the Penal Code and warrants have been issued for the arrest of 17 of its members.
- (h) In early June arrest warrants were issued for several of the CTUM's Central Committee members. In addition, 28 passports belonging to CTUM Central Committee members were cancelled by the military authorities.
- (i) In June MICS reported that the military had searched the home of one of its leaders as well as the MICS office.

III. The Situation of Human Rights for the Rohingya

16. The estimated 600,000 largely stateless Rohingya in Rakhine State continue to face existential threats and remain discriminated against in accessing citizenship, freedom of movement, and other fundamental rights. Since the coup, the junta has demonstrated that it intends to ensure that the Rohingya remain disenfranchised and segregated.

17. Rohingya people continue to face discriminatory laws and policies blocking their access to citizenship, documentation and civil registration. Despite legislative commitments to universal birth registration under the 2019 Child Rights Law, the birth of Rohingya children continue to not be systematically registered. Updating civil registration records, including birth and marriages, through the household list remains a challenge, negatively affecting access to legal documentation, basic services, and freedom of movement.

18. The junta continues to force or coerce Rohingya to accept the Identity Card for Nationality Verification (ICNV)/National Verification Card (NVC). The ICNV/NVC still does not serve as a predictable or accessible pathway to citizenship, nor has it increased access to rights, including freedom of movement, in a consistent and predictable manner. The NVC process continues to require Rohingya to self-identify as foreigners and, as such, remains an administrative tool to erase Rohingya ethnic-identity. Furthermore, it led to additional rights restrictions for the Rohingya, e.g. by requiring ICNV/NVC for travel and/or

² The CTUM is the largest trade union confederation in Myanmar and represents more than 100,000 workers.

for certain livelihoods activities (such as fishing) that were previously undertaken without this requirement. In some instances, the junta continues the practice of requiring Rohingya to accept the ICNV/NVC as a condition for their release from detention.

19. The junta's pronouncements and media statements on citizenship and documentation since the coup appear to cement existing policies and continue to deny the existence of the Rohingya people. In a press conference on 12 June, Major General Zaw Min Tun reiterated the application of the 1982 Citizenship Law, reinforced the use and designation of the term "Bengali"—a pejorative reference suggesting Rohingya are originally from Bangladesh—and cited sections 1 and 2 of the Hague Convention 1930, which mentions the right/sovereignty of every country to decide on who is citizen as per the law of the country, and the citizenship of the person who applied for citizenship will be decided based on the law of that country. The junta is undertaking a national citizenship scrutiny exercise, known as "Pan Khin" ("Project Flowerbed", launched to ostensibly issue citizenship documentation to 3.8 million people from 3 May 2021 to 3 November 2022). The Special Rapporteur received credible reports that junta authorities are forcing or coercing Rohingya to accept NVCs in the context of "Pan Khin." The Special Rapporteur also notes that past national-level citizenship scrutiny campaigns in Myanmar were carried out in a discriminatory and violent manner regarding the Rohingya people.

20. Prior to the military coup, the Rohingya faced numerous human rights violations (intimidation, harassment, physical violence, forced labour, arbitrary arrests/detention, extortion) exacerbated by the Arakan Army-Tatmadaw conflict and COVID-19. There are an estimated 130,000 stateless Rohingya who remain confined in internment camps in Rakhine State, and those in villages throughout the state face increased movement restrictions and are continually impeded from accessing citizenship, services, and livelihoods. As a result, the Rohingya remain at grave risk of mass atrocity crimes.

21. Rohingya in Rakhine State still need permission and documentation to travel from townships and village tracts (including to urban areas within townships), severely restricting access to income generation activities as well as access to health, life-saving and basic services. Virtually all Rohingya, except the very small number who hold citizenship cards, but including those who hold Identity Card of National Verification/National Verification Card, still require authorization to leave Rakhine State, in addition to exorbitant "fees" they must pay to junta authorities. This one time and time-limited authorization is exceedingly difficult to obtain, considering the administrative and financial requirements, making it unattainable for most.

22. Since February 2021, further restrictions have been imposed on some Rohingya camps and villages, including curfews and reinstatement of old reporting rules. While reporting all overnight guests to village or town administrators is a requirement across Rakhine State, in some locations the Rohingya are not among those permitted to overnight in other villages – indicative of the dynamics between the Tatmadaw and different ethnic groups.

23. Since February 2021, the junta has reinstated a policy that was abandoned in April 2020, resulting in the systematic imprisonment of Rohingya apprehended while travelling without documentation within Myanmar. As a result, from February to July 2021, at least 58 persons, including 32 children, were sentenced to up to two years imprisonment and 67 others are currently on trial. This occurs in a context where access to legal representation may be further hindered for the Rohingya, following the aforementioned Amendment of the 2016 Legal Aid Law announced by the junta on 29 April 2021, which removes stateless persons and foreigners among the list of eligible persons to receive state supported legal aid in criminal proceedings.³

24. The escalation of armed conflict between the Myanmar Armed Forces and the Arakan Army in Rakhine State and southern Chin State in the first half of 2020 caused a marked increase in civilian casualties and internal displacement. Rohingya women and girls confined to internment camps are at particular risk of forced marriage, rape and sexual violence. The Special Rapporteur received reports of detention and forced labour among women and girls living in camps and in conflict-affected areas. These risks are compounded by additional restrictions imposed in the context of COVID-19, including restrictions imposed on humanitarian actors.

³ Legal Aid Law Amendment no. 19/2021.

25. Armed conflict and displacement heighten gender-based violence risks for Rohingya women. These risks are linked to a lack of access to water and private sanitation facilities, lack of privacy and overcrowding in camps, living in camps with continued hostilities between IDPs and host communities, and increased tensions in households due to displacement and conflict.

26. UN actors, human rights organizations, and human rights defenders have long reported human trafficking of Rohingya women and adolescent girls. Recent reports estimate that over 30 women and girls are trafficked monthly from internment camps in Rakhine State. It was reported to the Special Rapporteur that, in certain instances, the Rakhine State Government intercepted the trafficking process; however, instead of protecting the victims, authorities arbitrarily detained the women and adolescent girls who were being trafficked. Rohingya trafficking survivors are denied meaningful legal assistance.

27. A lack of access to legal support has meant that internment-camp management committees continue to mediate gender-based violence cases, often using money to “settle” cases. This perpetuates impunity for crimes, which is already endemic.

28. Limited phone and internet connectivity, particularly in northern Rakhine State and a few townships in central Rakhine State, have further limited access to support for victims of gender-based violence. Administrative burdens that limit movement between townships further deny protection to survivors.

29. Rohingya community access to sexual and reproductive healthcare, including emergency obstetric care, continues to be limited due, among other factors, to the denial of freedom of movement. Authorities continue to extort money from Rohingya at checkpoints, further restricting freedom of movement. Various actors continue to deny Rohingya access to blood transfusions, instead reserving blood at local hospitals for ethnic-Rakhine people. As a result, Rohingya patients must resort to an expensive black market for blood. The Rakhine State government continues to deny travel authorizations to healthcare workers, citing security concerns. The government has also failed to take reasonable actions to provide security to healthcare providers. Decades of persecution, mass atrocity crimes, and systematic discrimination have also limited Rohingya access to health education and health-outreach campaigns.

30. Three quarters of a million Rohingya were forced into neighboring Bangladesh during genocidal attacks led by the Tatmadaw in 2016 and 2017. They joined more than 200,000 other Rohingya refugees in Bangladesh. The largest single refugee camp in the world by population is the Rohingya Balukhali-Kutupalong Expansion Camp in Cox’s Bazaar, hosting approximately 630,000 Rohingya.⁴ According to available data, the vast majority of Rohingya refugees in Bangladesh want to return to their ancestral homelands in Rakhine State.⁵ Unfortunately, the necessary conditions for their safe, dignified and sustainable return to Myanmar do not exist. The safety and security of Rohingya refugees and those who remain in Myanmar will continue to be in jeopardy as long as current conditions exist.

IV. Disability Rights

31. Living with a disability can be a challenge even under the best of conditions; however, the combination of the military coup, collapse of the healthcare system, and the spread of Covid-19 have made life particularly dangerous, indeed lethal, for some members of Myanmar’s disability community. The coup and subsequent crackdown have significantly set back progress that was being made to advance the human rights of disabled people in Myanmar.

32. In his previous report, the Special Rapporteur noted the government’s ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) and the enactment of legislation to implement the terms of the convention. He urged consultation with persons

⁴ M. J. Altman, “A Look Into The World’s Largest Refugee Camp,” World Food Program USA, 14 February 2018, <https://www.wfpusa.org/articles/a-firsthand-look-into-the-worlds-largest-refugee-camp/>.

⁵ Fortify Rights, “*The Torture in My Mind*”: *The Right to Mental Health for Rohingya Survivors of Genocide in Myanmar and Bangladesh*, (December 2020), pp. 65-67, <https://www.fortifyrights.org/downloads/The%20Torture%20in%20My%20Mind%20-%20Fortify%20Rights%20-%20December-10-2020.pdf>.

with disabilities and organizations of persons with disabilities to fully implement the law to eliminate discrimination and barriers to employment, education, healthcare as well as participation in the political process.

33. Prior to the coup, the civilian-led government's Committee on the Rights of Persons with Disabilities consulted with individuals and organizations of persons with disabilities in Myanmar and regional committees were established to assess conditions and develop priorities. Greater access to participation in the political process, including voting, was included. The Special Rapporteur was informed that this process led to a more accessible and inclusive election for disabled voters in the November 2020 election, particularly in urban areas. More accessible polling stations for people with mobility disabilities and the availability of accessible materials for voters were sight impairments were cited as examples of progress.

34. The coup has undermined this process of consultation, engagement and reform. The Special Rapporteur learned that fear is now pervasive in the disability community with some in leadership positions having had to go into hiding due to the crackdown.

35. The Special Rapporteur received reports of persons with disabilities who suffered at the hands of security forces during protest crackdowns. A person with a hearing disability was reportedly arrested in a Yangon protest when he could not hear what was being said to him as he tried to escape the violence. The Special Rapporteur has viewed video of a person with an intellectual disability badly beaten by security forces when he reportedly could not understand why people were running and hiding during a protest. Leaders of organizations of persons with disabilities reported that junta officials, who have launched investigations of alleged links with advocates and donors outside of Myanmar, were harassing their organizations. Some have been detained under 505(a). Many have fled Myanmar to avoid arrest and incarceration.

36. The deterioration of Myanmar's healthcare system and the mismanagement of the Covid-19 crisis has been particularly dangerous and deadly for persons with disabilities. Before the coup, the government established a registration process whereby disabled persons would receive priority access to Covid-19 vaccines. The coup undermined this government initiative. For many in Myanmar's disability community, the rapid spread of the disease, underlying health conditions and a lack of access to vaccines and healthcare services, including oxygen, have been devastating.

37. Disabled persons who are confined to institutions, including students in segregated schools, are particularly vulnerable to the spread of Covid-19 where conditions have allowed it to spread rapidly. The arrest and incarceration of professionals who provide services to disabled persons have made these conditions worse.

V. Economic, social and cultural rights and the right to development

A. The Coup's Economic Toll

38. The impact of the coup—occurring in the midst of the Covid-19 pandemic—has been devastating to Myanmar's economy and, in turn, the people of Myanmar. The Myanmar economy is expected to contract 18 percent by the end of the fiscal year on 30 September 2021, according to the World Bank. The World Bank cites the third wave of the COVID-19 pandemic as well as the effects of the coup, including job losses, disruptions in logistics, and cessation of public services. Shortages of paper currency and limited banking access have also detrimentally affected the economy and have the potential to lead to a long-term loss of economic progress.⁶

39. Given the dire state of the economy, it is an unsurprising though tragic reality that, according to an April 2021 study by the United Nations Development Programme, half of

⁶ World Bank, "Myanmar Economy Expected to Contract by 18 Percent in FY2021: Report," 23 July 2021, <https://www.worldbank.org/en/news/press-release/2021/07/23/myanmar-economy-expected-to-contract-by-18-percent-in-fy2021-report>.

Myanmar's population may be living in poverty within a year. Women and children, particularly individuals in female-headed households, face increased risks of poverty. Increases in the prices of basic goods and commodities have acutely affected the Burmese population. Prices of food items have increased 20-40 percent and prices of food and fertilizer have doubled.⁷

40. Economic insecurity and high commodity prices have greatly affected farmers, who face decreased demand for their products and increased input costs. Many of these farmers depended on credit from financial institutions to continue operations. The coup and a significantly weakened economy have greatly affected smallholder farmers' access to credit.

41. Manufacturing output has also greatly diminished since the coup. In response to the junta's attacks in urban areas such as Yangon's Hlaing Tharyar, migrant workers working in factories have returned to their villages, detrimentally affecting the manufacturing industry, primarily garment manufacturers.⁸ Moreover, cash shortages have led to disruptions in the manufacturing and construction sectors, due to large increases in commodity prices.

42. Since the coup, Myanmar has faced a major banking crisis, with the Central Bank and private banks facing scarcities of cash. Beginning in May, private banks limited the amounts of money available through ATM withdrawals to 200,000 to 300,000 kyat per person per day, with individuals often reporting that they were unable to withdraw even the lower limit.⁹ As of August 2021, less than 100 ATMs in the country reportedly had cash on-hand. In Yangon, there are approximately 24 stocked and functional ATMs, and in Mandalay, there are 12. Individuals have reported long lines, beginning as early as 3:30 am and continuing in conditions of extreme heat, to withdraw cash. Access to physical cash, both through bank withdrawals and illicit currency broker services has been marked by corruption, with high-ranking military officials and bank officials with ample access to cash reportedly receiving kickbacks from currency brokers.¹⁰

43. According to the World Bank, in June 2021, only 57% of firms were confident about remaining in business in the next month, underscoring the crisis of confidence felt by both individuals as well as companies.¹¹

B. Massive Loss of Work in the Garment Sector

44. Union leaders and labour rights activists representing the country's largely female garment sector workforce became central to the anti-coup movement. They called on major global brands to condemn the coup and uphold the rights of workers in their supply chains. Garment workers, many of whom are young women who know that their future is at stake, were among the first to gather for large demonstrations.

45. By late April 2021, labour rights advocates reported that approximately 200,000 garment workers had lost their jobs since the coup began. Nearly half of garment factories in the country reportedly closed. Since an estimated 200,000 garment jobs had already been lost in 2020 due to the COVID-19 crisis, nearly half of all garment jobs disappeared in 14 months. Before the COVID-19 crisis and the coup, the International Labour Organization estimated the sector employed an estimated 900,000 workers, 86 percent of whom were women. This is yet another indication that the combined economic impact of the COVID-19 crisis and the coup will continue to disproportionately affect women.

⁷ Ko Then Peing and Johanna Son, "Six months after Myanmar coup: 'We only have ourselves'," *The Scoop*, 3 August 2021, <https://thescoop.co/2021/08/03/six-months-after-myanmar-coup-we-only-have-ourselves/>.

⁸ Jon Emont, "Myanmar's Economy Is in a Free Fall, With Empty Factories, Closed Banks, Failing Internet," 10 April 2021, *Wall Street Journal*, <https://www.wsj.com/articles/myanmars-economy-is-in-a-free-fall-with-empty-factories-closed-banks-failing-internet-11618059258>.

⁹ Radio Free Asia, Myanmar Banking System 'Near Collapse' as Customers Make Fewer Deposits, More Withdrawals, 12 May 2021, <https://www.rfa.org/english/news/myanmar/banking-05122021183455.html>.

¹⁰ Richard Paddock, "They Wait Hours to Withdraw Cash, but most A.T.M.s are Empty," 7 August 2021, <https://www.nytimes.com/2021/08/07/world/asia/myanmar-cash-coup.html>

¹¹ World Bank, *Myanmar Economic Monitor July 2021: Progress Threatened; Resilience Tested*, 23 July 2021, <https://pubdocs.worldbank.org/en/525471627057268984/Myanmar-Economic-Monitor-July-2021>.

VI. Access to social services

46. The military coup has negatively impacted livelihoods as well as service delivery and support to vulnerable populations. Due in part to disruptions in supply chains, essential medicines and supplies are increasingly unavailable in Myanmar. Young people now have limited access to sexual and reproductive health information and services due to internet restrictions and social media disruptions, increasing the risk of sexually transmitted infections, unintended pregnancies and associated consequences for young people. Limited accessibility to emergency obstetric care and delays in emergency referrals are putting many women at grave risk of death, according to information from the United Nations Population Fund.

47. The COVID-19 pandemic appears to have contributed to a significant increase in gender-based violence across all states and regions in Myanmar consistent with stay-at-home orders, with restrictions further limiting the people's ability to report and access health and justice services. The availability of health and human services was also reduced due to the stay-at-home orders, local leaders blocking community access to service providers, and the junta's failure to acknowledge the life-saving nature of gender-based-violence response services.

48. According to the UN Development Programme, "women and children are expected to bear the heaviest brunt of the combined impact of COVID-19 and the political crisis." The amplification of pre-existing vulnerabilities of women workers will undoubtedly have significant impacts on household income and well-being, and on access to and benefits gained from social services, particularly in health and education."¹²

VII. Illegal exploitation of natural resources

49. Credible evidence points to the fact that post 1 February, the military junta is increasing the exploitation of the natural resources of Myanmar, presumably to finance their operations, while taking revenue away from the State and its population. Such exploitation includes mining of alluvial gold, rare earth metals, gemstones, jade and pearl, and logging of forest timbers, including in ecologically sensitive protected areas. The junta also continues to control Myanmar's sizable natural gas revenues.

50. Most international environmental protection and conservation projects and programmes have been suspended, and in some cases, cancelled since the coup. The National Unity Government announced that it considers SAC-issued permits or approvals for new projects null and void. This was the subject of Announcement No 3/2021 issued on 26 May 2021 with regard to the approval of investments and projects by the Myanmar Investment Commission.¹³

51. The exploitation of Myanmar's natural resources without adequate legally backed environmental safeguards has long been a concern, especially in areas of the country where there is a history of conflict. For example, according to credible sources, with respect to logging, deforestation rates were already alarming in 2019 and 2020.¹⁴ Since the coup, according to the Conflict and Environment Observatory, "there has been a proliferation of logging of primary rainforest, reportedly being illegally exported to the surrounding countries."¹⁵ The military is well known to use unsustainable logging as a short-term source of revenue to try to offset the economic impacts of targeted sanctions.¹⁶

¹² UNDP, *COVID-19, Coup d'Etat and Poverty: Compounding Negative Shocks and Their Impact on Human Development in Myanmar*, 30 April 2021, https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/covid-19-coup-d-etat-and-poverty-impact-on-myanmar.html.

¹³ Announcement for Illegal Formation of Myanmar Investment Commission Under SAC (State Administration Council) and Projects Approved by this Committee Considered Null or Void by the National Unity Government <https://mopfi.nugmyanmar.org/2021/05/26/announcement-3/>.

¹⁴ Conflict and Environment Observatory, 'Deforestation in conflict areas in 2020', April 2021, 3.1 Myanmar, <https://ceobs.org/assessment-of-recent-forest-loss-in-conflict-areas/#3i>.

¹⁵ *Ibid.*, 'Key Findings'

¹⁶ *Ibid.*

52. In the early days of the coup, the privatized Myanmar Forest Products and Timber Merchants Association, concerned that its financial flows might be interrupted, sought to claim that its trade in timber was in full compliance with international export guidelines.¹⁷ In fact, increased illegal logging is reported to be taking place, with funds from timber sales being funnelled to the junta.

53. Since the coup, the junta and those who support it continue to act against the rights of citizens seeking to defend their land and Myanmar's. Given that many people who have acted as environmental defenders in the past have been arrested, disappeared, or are in hiding, there is an increased risk of widespread illegal exploitation of natural resources and persecution of those who advocate for the protection of these lands, territories and resources.

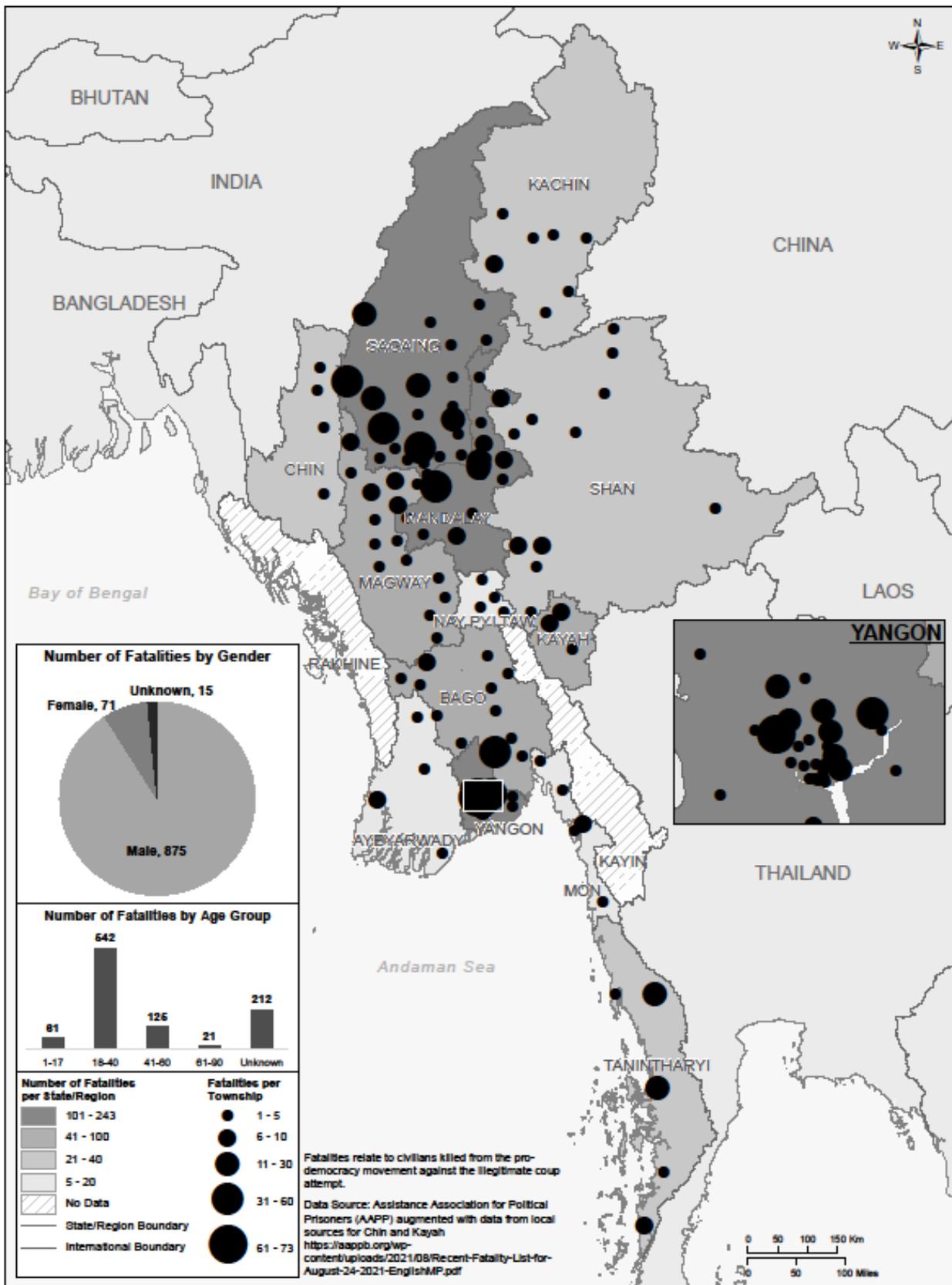
54. If the flow of payments for illegally exploited natural resources—including natural gas exports—is reduced or cut off altogether, then this would severely hamper the activities of the junta and create political leverage to affect change in the country. Activists are therefore calling for companies operating in Myanmar to sever links with the junta. A return to long-term military rule would undoubtedly lead to tremendous environmental degradation.¹⁸

¹⁷ 'Myanmar's Troubled Forestry Sector Seeks Global Endorsement After Coup' Mongbay, 8 February 2021, <https://News.Mongabay.Com/2021/02/Myanmars-Troubled-Forestry-Sector-Seeks-Global-Endorsement-After-Coup/>.

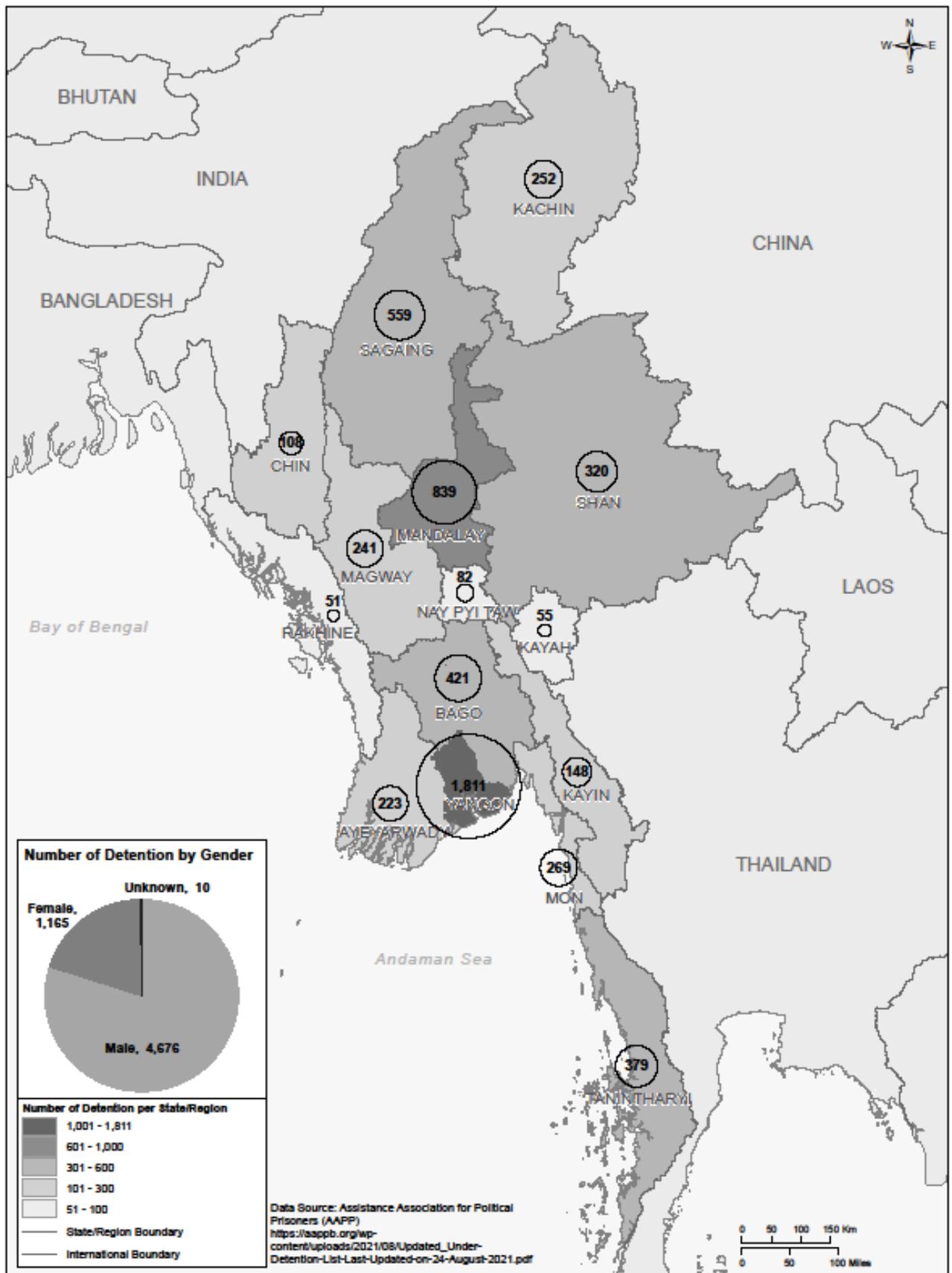
¹⁸ *Ibid.*

Annex 2 – Maps

Reported Junta Killings in Myanmar (1 Feb – 24 Aug, 2021)



Persons Arbitrarily Detained and in Detention (1 Feb – 24 Aug, 2021)



Estimated internal displacement within Myanmar (1 February - 16 August, 2021)

