

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

DECEMBER 2023 REPORT

Summary. This report reviews the December 2023 developments relating to human rights in Myanmar.

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I. Coup, Crackdown on Protests and Civilian Resistance

As of December 9, more than seven weeks after the launch of Operation 1027 by the Brotherhood Alliance, more than 300 military bases and 20 towns have reportedly been seized by the Alliance across three states and two regions.¹ A large majority of these military bases are located in northern Shan State.² Additionally, more than 35 military bases have been captured over the past month by the Karenni Nationalities Defense Force, Karenni Army, Karenni National People's Liberation Front and Peoples Defense Forces ("PDFs") as part of Operation 1111, most of which are located in Loikaw and Demoso townships in Kayah State and in Pekon township, southern Shan State.³

The United Nations High Commissioner for Refugees ("UNHCR") reported that, as of December 15, more than 660,000 people have been displaced since the start of Operation 1027.⁴ According to the National Unity Government, the civilian death toll since the start of Operation 1027 reached 309 people as of November 30 as a result of at least 244 military attacks in seven states and five regions across the country.⁵

Resistance groups continue to engage in heavy clashes with the military across Shan State, particularly along the China-Myanmar trade zone. The United Nations Office for the Coordination of Humanitarian Affairs reported that, as of December 8, at least 126 civilians have been killed, 204 injured and around 400 homes have been destroyed in northern Shan State since the start of Operation 1027.⁶ As of mid-December, the Brotherhood Alliance has captured around eight towns along the China-Myanmar trade zone and routes, as well as at least 250 military bases in northern Shan State.⁷ The Brotherhood Alliance seized the 105-Mile Myanmar-China Trade Zone on December 12 after successfully taking over a strategic military base in Muse Township, and according to the Ta'ang National Liberation Army, it also seized Namhsan township in northern Shan State.⁸ Residents of the towns and villages in the area, such as the villages in Nam Hpat Kar, have been without reliable power, communications or access to medical assistance and have been unable to flee their areas due to blocked roads.⁹

In Rakhine State, the Arakan Army ("AA") continues to capture military bases and outposts across the area as part of its participation in Operation 1027.¹⁰ According to the AA, it has seized 142 military bases across 15 townships in Rakhine State, as well as in Paletwa Township, Chin State over a span of 45 days.¹¹ The AA also reports that more than 101,000 residents have been displaced since November 13, mainly from Pauktaw, Minbya and Ponnagyun townships.¹²

II. Political Developments

A. Rohingya Refugee Crisis

According to the *Indonesia Expat*, a total of 139 Rohingya immigrants arrived in the second wave of immigration in Aceh province on December 2.¹³ Indonesian residents of Ieu Meulee and Balohan villages protested and insisted that the UNHCR and the Sabang City government move Rohingya immigrants to other areas.¹⁴ On December 4, Indonesian residents transported more than one hundred Rohingya immigrants to the Sabang Mayor's office and urged the local government to return the refugees.¹⁵ As a result of the residents' demands, the

Sabang City government and UNHCR representatives agreed that the Rohingya immigrants would be placed temporarily on the CT-1 Pier of the Sabang Area Concession Agency.¹⁶ The UNHCR stated that they would take full responsibility for the Rohingya refugees' costs, basic needs and health.¹⁷

On December 18, more than 200 people protested against the continued arrival of Rohingya refugees in western Indonesia, claiming that the sudden influx of refugees threatens to overwhelm local communities. The protestors called on authorities and UNHCR to remove all Rohingya refugees from the island and for groups like the UNHCR and the International Organization for Migration ("IOM") to leave.¹⁸

The influx of Rohingya immigrants to Indonesia has resulted in the total Rohingya population in Aceh reaching approximately 1,722, as refugees seek to escape the unsanitary and crime-ridden camps of southern Bangladesh.¹⁹ Neighboring countries, such as Malaysia and Australia, are no longer accepting Rohingya refugees, even as Rohingya refugees continue to flee Bangladesh by boat.²⁰ Approximately 700 refugees currently remain stranded outside of designated accommodation in Aceh, and over 1,000 have been relocated to overcrowded shelters.²¹ Due to the current situation within Myanmar, the protracted nature of Rohingya refugees' displacement in Bangladesh and the arrival of the dry season with improved sea conditions, it is projected that more groups of Rohingya refugees will arrive in Aceh by the end of March 2024, all of whom will require immediate and sustained life-saving assistance.²² UNHCR, the UN Refugee Agency and IOM are urgently appealing for US\$5.4 million to address the immediate, emergency needs of Rohingya refugees in Aceh.²³

China has contributed US\$1.5 million to UNHCR for the improvement of hygiene services for Rohingya refugees in Bangladesh.²⁴ Over 60,000 Rohingya women and girls, between 12 and 50 years old, will benefit from the support until 2025.²⁵ The Bangladesh Red Crescent Society will partner with UNHCR to ensure over 250,000 kits funded by China's grant reach Rohingya women.²⁶

B. Corruption

Myanmar's Supreme Court rejected a special appeal by Aung San Suu Kyi of her conviction in a case in which she was charged with corruption for allegedly receiving gold and thousands of dollars as a bribe from a former political colleague.²⁷ According to the *Star*, the trial was closed to the media, diplomats and spectators, and Aung San Suu Kyi's lawyers were barred by a gag order from discussing the trial.²⁸

C. International Community / Sanctions

On November 30, the Alternate Representative of the United States of America for Special Political Affairs in the United Nations met with councilors of Myanmar's National Unity Consultative Council to discuss the military regime's ongoing human rights violations and the escalating clashes in the country.²⁹ During the meeting, the U.S. Ambassador emphasized "the United States' commitment to work to prevent the recurrence of atrocities by the military regime against the people of Burma and reiterated the call for an immediate end to the violence."³⁰

On November 30, a terrorism report prepared for the U.S. State Department listed the Karen National Liberation Army, People’s Defense Forces, Karenni Nationalities Defense Force and Chinland Defense Force as “perpetrators of incidents of terrorism” in 2022, implying they are terrorist organizations.³¹ All of the armed groups listed in the report have been “fighting against the Myanmar regime since the 2021 coup with the aim of rooting out the military dictatorship in Myanmar.”³² The report’s release has led to a “strong reaction from democracy activists” and accusations that the State Department was not properly vetting these reports.³³ The Burma Unit Chief for the U.S. State Department responded to these concerns in early December, stating that the report “doesn’t represent a statement of policy or reflect a legal determination made by the United States government.”³⁴

On December 5, the Myanmar regime’s security advisor met with the Russian security council secretary “for consultations on security and military matters.”³⁵ Following the meeting, junta-controlled state media reported that the “two parties discussed bilateral military cooperation, military-technical cooperation, international information security, interaction between law enforcement organizations, sector-wide cooperation and the countries’ strategic cooperative partnership.”³⁶ Junta media further reported that the two nations signed a memorandum of understanding on “cooperation in international information security.”³⁷

On December 8, the United Kingdom announced additional sanctions on a leader of the Myanmar junta-affiliated Border Guard Force and two others over allegations of “human trafficking, forced labor and human rights violations.”³⁸ In announcing these sanctions, the UK Foreign Secretary stated that the nation “will not tolerate criminals and repressive regimes trampling on the fundamental rights and freedoms of ordinary people around the world.”³⁹

On December 11, the European Union announced that it had imposed fresh sanctions “target[ing] a minister, two other members of the junta’s State Administrative Council and a commander responsible for airstrikes on civilians.”⁴⁰ The European Union also imposed restrictive measures on two companies “accused of generating income for the junta and supplying its military with arms and other equipment.”⁴¹

In a December 16 statement, the anti-junta National Unity Consultative Council, stated that shipping records indicated that shipping companies “continue to transport fuel to Myanmar despite recent sanctions from the United States targeting the military junta’s use of jet fuel.”⁴² In the group’s statement, it called on the U.S. and British governments to “tighten existing measures by imposing sanctions on companies involved in selling fuel to the junta, including any banks involved in the financial transactions.”⁴³

On December 7, the UN special rapporteur on human rights in Myanmar called for “immediate measures to stop the flow of weapons that the military regime is using to ‘commit probable war crimes and crimes against humanity.’”⁴⁴ In his statement, the special rapporteur called the junta “an agent of chaos and violence” and noted that the junta’s “relentless attacks and human rights violations are unifying the country in opposition.”⁴⁵ He further stated that the international community “must act now to ground junta jets and helicopter gunships . . . [and] to cut off the junta’s access to jet fuel and take all available measures to facilitate the delivery of humanitarian assistance to displaced and vulnerable populations.”⁴⁶ On December 15, the United

Nations refuted reports from junta-controlled media stating that the United Nations Population Fund had promised to help the junta conduct its 2024 census. In an email to *the Irrawaddy*, the organization stated that a combination of its own “internal operating guidelines” and “the current political and conflict context in Myanmar” were the chief reasons why it could not support the junta in conducting the pre-election census.⁴⁷ On December 18, the United Nations released a report indicating that “[o]ne-third of the population of Myanmar . . . require humanitarian aid.”⁴⁸ The report further noted the need for nearly \$1 billion in donations next year to address the humanitarian needs in the country noting that the UN “cannot afford a repeat of the gross underfunding seen in 2023.”⁴⁹

On December 7, the junta’s Deputy Prime Minister met with the Thai Deputy Prime Minister at the 8th Mekong-Lancang Cooperation forum in Beijing. At this meeting, the two nations decided to create “a joint task force . . . to oversee humanitarian assistance for people displaced by fighting along their shared border.”⁵⁰ Following this announcement, Thai media reported that Myanmar would be sending a team of officials to Thailand to discuss forming the task force.⁵¹ Further meetings between senior Thai and Myanmar military officials occurred on December 27, although the specifics of the discussions were not disclosed.⁵²

On December 1, more than 600 civil society organizations released a statement calling on the Association of Southeast Asian Nations to “stop calling for ‘inclusive national dialogue’ in Myanmar because it undermines the sacrifices and will of Myanmar’s citizens” and further accused the Association of “fail[ing] to hold the military junta accountable for committing crimes against humanity and war crimes.”⁵³

On December 6, the activist group Justice for Myanmar called on the Greater Mekong Subregion members to shun the Myanmar junta’s December 15 conference and to “permanently exclude the regime from the program.”⁵⁴

On December 21, the human rights group Amnesty International “accused the Burmese military of indiscriminate killings, detaining civilians, and using air-dropped cluster munitions . . . and demanded an investigation into war crimes” in Myanmar.⁵⁵ In a separate report released the same day, Human Rights Watch, another monitoring group, accused the Myanmar National Democratic Alliance Army of abducting and forcibly recruiting civilians fleeing fighting in Shan State.⁵⁶

On December 25, Myanmar chaired “a major regional summit for the first time since the military took power in February 2021, in a meeting that affirmed closer ties with China.”⁵⁷ The virtual conference “brought together five Mekong Basin nations and China.”⁵⁸ During the conference, the six nations adopted the Naypyitaw Declaration to “tackle common challenges together” and saw the nations agree to cooperate “in infrastructure, agriculture and supply chains.”⁵⁹

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On December 20, *Development Media Group* (“DMG”) reported that junta surrogates in Arakan State have been campaigning for the arrest of roughly 30 activists who have criticized the junta on social media.⁶⁰ Many of the activists have gone into hiding.⁶¹ DMG also reported that the military regime recently arrested seven residents in Sittwe, Kyaukphyu, Ann, and Thandwe and charged them on suspicion of spreading propaganda.⁶²

B. Freedom of the Press and Censorship

On December 11, two employees of local media outlet *Dawei Watch*, Aung San Oo and Myo Myint Oo, were arrested from their homes, with their laptops and phones confiscated, in the southern city of Dawei, Tanintharyi Region.⁶³ The military told their families that they had been arrested for their reporting.⁶⁴ Following interrogation, the two journalists were later moved to Myeik Police Station on December 14 and transferred to Myeik Prison on December 20.⁶⁵ According to the family of Aung San Oo, the journalists were subject to beating during interrogation and would be charged under sections 50(J), 52(A), and 52(B) of the Counter-Terrorism Act.⁶⁶ According to Kyaw San Min, the editor-in-chief of *Dawei Watch*, three other *Dawei Watch* journalists were arrested at the beginning of 2022, but were all released within a few days.⁶⁷

From December 20 to 22, the Independent Press Council Myanmar (“IPCM”) was formally established to promote media freedom and support journalists in Myanmar.⁶⁸ Seventy-seven journalists from 38 independent Myanmar media outlets attended the organization’s annual conference.⁶⁹ During the conference, the IPCM outlined its plans, which include advocating for the release of journalists imprisoned by the military junta and creating biannual reports about press freedom violations.⁷⁰

Myanmar currently ranks 173 out of 180 in Reporters Without Borders’ World Press Freedom Index.⁷¹ Sixty-seven journalists and one media worker are reportedly detained by the junta.⁷² Since the 2021 coup, the junta has revoked the licenses of fourteen media outlets, four publishers and two printing presses.⁷³

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Myanmar’s military regime is blockading roads and waterways into Kyaukphyu in Rakhine State, preventing rural residents from entering the town to make a living, buy goods, or access basic services such as public healthcare, as it accelerates development of the Special Economic Zone (“SEZ”) and deep-seaport project with China in the coastal town.⁷⁴ The junta and Chinese state-owned firm CITIC signed an addendum to the project’s concession agreement in Naypyitaw on December 26, as the two sides seek to expedite construction of the stalled SEZ in western Myanmar.⁷⁵ The project is being developed by Kyaukphyu SEZ Deep Seaport Co. Ltd, a joint venture between CITIC Myanmar Port Investment Ltd and the junta-backed

Kyaukphyu SEZ management committee.⁷⁶ A vital node in Beijing’s Belt and Road Initiative, the SEZ and port will open a new route to the Indian Ocean for Chinese exports.⁷⁷

B. Economic Development—Infrastructure, Major Projects

There have been no material updates since the prior report.

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Please see “Coups, Crackdown on Protests and Civilian Resistance” above.

B. Peace Talks

On December 6, the junta foreign minister met with “his Chinese counterpart in Beijing . . . [and] asked China to use its influence over the Three Brotherhood Alliance to encourage it to stop fighting and enter peace talks with the regime.”⁷⁸ Following this meeting, the Chinese foreign ministry stated that it hoped “that Myanmar will achieve national reconciliation and continue its political transformation process under the constitutional framework as soon as possible.”⁷⁹

On December 11, China, through its foreign minister, said that it had hosted peace talks “over the conflict in northern Myanmar” that yielded “positive results.”⁸⁰

On December 14, China announced that the Myanmar military and the Myanmar National Democratic Alliance Army, the Ta’ang National Liberation Army and the Arakan Army “had agreed to a temporary cease-fire at talks held in China.”⁸¹ However, on December 20, China was still calling for those parties to put the cease-fire into effect, stating that it hoped the “relevant parties in Myanmar can effectively implement what has been agreed, exercise maximum restraint [and] work for a soft landing of the situation.”⁸² Further China-brokered peace talks were held between December 22-24, but the military junta and the Brotherhood Alliance “failed to reach an agreement.”⁸³ In response to the continued fighting in northern Myanmar, China “urged all Chinese nationals on [December 28] to leave northern Myanmar” while simultaneously urging the parties involved to “continue to maintain the ceasefire and further peace talks to ensure peace and tranquility in the border region.”⁸⁴

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- ² *Id.*
- ³ *Id.*
- ⁴ The Irrawaddy, December 18, 2023: <https://www.irrawaddy.com/news/burma/number-of-civilians-fleeing-war-in-myanmar-doubled-to-660000-in-one-month-un.html>.
- ⁵ The Irrawaddy, December 6, 2023: <https://www.irrawaddy.com/news/burma/over-300-civilians-reportedly-killed-as-retreating-myanmar-military-ups-atrocities.html>.
- ⁶ The Irrawaddy, December 14, 2023: <https://www.irrawaddy.com/news/burma/civilians-targeted-as-myanmar-junta-crumbles-brotherhood-alliance.html>.
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- ⁸ *Id.*
- ⁹ The Irrawaddy, December 9, 2023: <https://www.irrawaddy.com/news/burma/desperation-rises-for-residents-trapped-in-villages-in-myanmars-northern-shan-state.html>.
- ¹⁰ The Irrawaddy, December 6, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/arakan-army-declares-seizure-of-major-myanmar-junta-base.html>.
- ¹¹ The Irrawaddy, December 16, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/arakan-army-claims-victories-over-myanmar-junta-across-rakhine-state.html>.
- ¹² *Id.*
- ¹³ Indonesia Expat, December 7, 2023: <https://indonesiaexpat.id/news/aceh-refuses-influx-of-rohingya-refugees-arriving/>.
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- ¹⁵ *Id.*
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ The Diplomat, December 19, 2023: <https://thediplomat.com/2023/12/residents-in-western-indonesia-protest-mounting-rohingya-refugee-arrivals/>.
- ¹⁹ ReliefWeb, December 13, 2023: <https://reliefweb.int/report/indonesia/rohingya-boat-arrival-response-aceh-indonesia-emergency-appeal-december-2023-june-2024>.
- ²⁰ Indonesia Expat, December 7, 2023: <https://indonesiaexpat.id/news/aceh-refuses-influx-of-rohingya-refugees-arriving/>.
- ²¹ ReliefWeb, December 13, 2023: <https://reliefweb.int/report/indonesia/rohingya-boat-arrival-response-aceh-indonesia-emergency-appeal-december-2023-june-2024>.
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- ²³ *Id.*
- ²⁴ ReliefWeb, December 6, 2023: <https://reliefweb.int/report/bangladesh/unhcr-welcomes-chinas-support-rohingya-refugee-women-bangladesh-enbn>.
- ²⁵ *Id.*
- ²⁶ *Id.*
- ²⁷ The Star, December 25, 2023: <https://www.thestar.com.my/aseanplus/aseanplus-news/2023/12/25/myanmar-supreme-court-rejects-ousted-leader-suu-kyis-special-appeal-in-bribery-conviction>.
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- ³³ *Id.*
- ³⁴ *Id.*
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- ⁴⁰ The Irrawaddy, December 12, 2023: <https://www.irrawaddy.com/news/burma/eu-adds-myanmar-junta-chiefs-business-supremo-to-sanctions-list.html>.
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- ⁴² Radio Free Asia, December 22, 2023: <https://www.rfa.org/english/news/myanmar/fuel-shipments-records-12222023144835.html>.
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- ⁴⁴ The Irrawaddy, December 7, 2023: <https://www.irrawaddy.com/news/burma/un-calls-for-urgent-action-to-stop-arms-flow-to-myanmar-junta-as-civilian-casualties-soar.html>.
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- ⁴⁷ The Irrawaddy, December 15, 2023: <https://www.irrawaddy.com/news/burma/un-agency-says-reports-it-will-support-myanmars-surveillance-census-are-false.html>.
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- ⁶² *Id.*
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- ⁶⁵ Mizzima, December 27, 2023: <https://eng.mizzima.com/2023/12/27/5681>.
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- ⁷⁰ *Id.*
- ⁷¹ Myanmar Now, December 14, 2023: <https://myanmar-now.org/en/news/myanmar-junta-arrests-two-more-journalists-outlet/>.
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- ⁷³ Radio Free Asia, November 12, 2023: <https://www.rfa.org/english/news/myanmar/junta-media-11092023135703.html>.
- ⁷⁴ The Irrawaddy, December 28, 2023: <https://www.irrawaddy.com/news/burma/myanmar-troops-blockade-kyaukphyu-as-china-hits-accelerator-on-rakhine-sez.html>.
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- ⁸⁴ Jurist, December 29, 2023: <https://www.jurist.org/news/2023/12/china-warns-against-travel-to-northern-myanmar-as-unrest-continues/>.