

PPWG Assessment – Burma/Myanmar Conflict
Prepared for the United States Atrocity Early Warning Task Force

Conflict Background

The government of Myanmar is split between the military-controlled ministries run by the Tatmadaw, who derive extensive power from political leverage, military force, and economic interests, and the civilian government currently led by the National League for Democracy (NLD), which struggles to exert influence over the military. Since 2015, Tatmadaw clashes with ethnic armed organizations (EAOs) and non-state armed actors created mass instability in Kachin, Shan, Chin, Karen, Kayin, and Rakhine states. Deeply rooted ethnic, religious, and social demarcations in Myanmar's society layer the country with division. Under the military regime and continuing to this day, there have been devastating and widespread human rights abuses against minority populations in Myanmar. The acute violence against Rohingya people in Rakhine state in August and September 2017 were "[unprecedented in terms of volume and speed](#)" displacing more than 700,000 Rohingya people into neighboring Bangladesh.

Current Situational Assessment

In the months following the 2017 surge in violence against Rohingya, similar operations by the Tatmadaw in Shan, Kachin, Karen, Rakhine, and others have followed. As mentioned in previous assessments, we warned that violence would increase in conflict-affected areas ahead of the November elections. This has proven true. Violence has steadily escalated in Rakhine state. In late June, the Tatmadaw declared they were conducting "[clearance operations](#)" that forced thousands of people out of their villages into an abandoned warehouse and temporary shelters and rely solely on donations provided by civil society organizations. This week, fighting between the Arakan Army (AA) and the Tatmadaw has escalated in Ann, Buthidaung, Minbya, Paletwa Townships, and Rakhine and Chin States where villagers were injured by artillery explosions and stray fire, as well as detained, interrogated, and charged under the Counter-Terrorism Law without firm evidence to support allegations.

In March of this year, the United Nations Secretary General called for a global ceasefire during the Covid-19 pandemic. In May, the Tatmadaw declared a unilateral ceasefire except for a notable exception for their operations in northern Rakhine and Chin. The impact of Covid-19 is highly disproportionate in Myanmar, as conflict-affected states lack viable sources of medical supplies and assistance. While the Nationwide Ceasefire Agreement (NCA) provides measures for cooperation between signatory EAOs and the government, in joint-administrative areas this collaboration has been mostly absent. The election is quickly approaching, and it is seeming more likely that elections will be delayed or cancelled in highly conflict-affected areas. It is uncertain whether IDPs will be able to participate in the election considering security issues and access to transportation to the polling stations. Furthermore, there have been no provisions made for Rohingya voting rights. Political parties in Rakhine State complained about difficulties in [campaigning](#) amid COVID-19 and due to the ongoing internet ban in northern and central Rakhine State.

While international actors have been active in Myanmar, including in conflict-affected areas and in addressing the aftermath of violence, the country still manifests persistent and systematic discrimination of minorities in law and in practice (even escalating to mass violence), impunity, lack of accountability for human rights violations, and persistent gender inequality and gender-based violence. Despite the ICJ's ruling on January 23 that Myanmar must take four immediate provisional [measures](#) to prevent mass atrocities in the country, efforts put forward by the Myanmar government have been superficial and have exacerbated tensions with ethnic minority groups in Rakhine state. In the next quarter, there are five major risks to violence against civilians:

1. **Civilians are being targeted with tactics that directly parallel the violence committed against Rohingya in 2017.** This is the alarm bell. We have repeatedly warned that the violence between the AA and Tatmadaw would increase and spiral into a situation where atrocities would unfold. Mass violence against civilians is underway and signs point that it will only get worse. Myanmar authorities have declared they are conducting “clearance operations” which is the same language used to describe the violence against Rohingya. Even though they have since retracted that statement, the actions on the ground have continued unabated. This has created an intense climate of fear in those areas as well as neighboring villages. Additionally, there is popular propaganda being shared in Rakhine and Chin states, but also in urban centers like Yangon and Mandalay that is fostering a narrative that “Rakhine people cannot be trusted.” This echoes the hate speech that was a critical component in the acceptance of the forced exodus of the Rohingya in 2017.

The Tatmadaw is targeting specific areas in Rakhine that they perceive to be strategic or an important crossroad for access to the AA’s resources. They are identifying these chokepoints and driving civilians out of these areas – namely in Rathaedaung, Ponnagyun, and Kyauktaw. They appear to be cordoning off these, using a mixture of intimidation and direct violence, to render these areas “no-man zones” where civilians do not feel safe to stay in their homes. Already we have seen over 150,000 IDPs displaced in Rakhine, with over 10,000 displaced over the past few days. Approximately two thirds of IDPs are staying in temporary shelters, like monasteries and schools, without recognition from the government or access to humanitarian assistance. When the rainy season comes in then we may see even larger townships being displaced.

The violence is moving into central and southern Rakhine. Civilians are being arbitrarily detained, tortured, and killed in villages near Sittwe on suspicion of supporting AA. The Myanmar government is implementing superficial activities to loosen international pressure. For instance, they have “restored” some internet access in northern Rakhine, but it is only 2G and only calls and SMS can be transmitted. The AA has vowed, “If you bring the war to us, then we will bring the war to you.” This has raised serious concerns of AA attacks outside of Rakhine state, that could take place in urban centers like Yangon. **This kind of attack would have severe negative consequences to the conflict and would be a major trigger for heightened military activity and mass atrocities in Rakhine.**

2. **The threat for inter-communal violence between ethnic Rakhine and ethnic Chin communities is growing.** The lack of integrated development in Rakhine state has left simmering tensions and allowed for the recurrence of old patterns of violence. People in Rakhine have not seen the dividends of democratization and globalization and are increasingly reliant on violence to address grievances. The AA has targeted many civilians in Chin communities, including direct attacks, forced servitude, and forced payments. Supporters of the AA believe that the Chin are sympathizers with the Tatmadaw for opposing the AA. The Tatmadaw has cultivated these divisions as part of “divide and rule” tactics, used throughout the country, to foster instability and prevent the formulation of a unified, civilian-resistance front; one tactic involves using shadow social media accounts to perpetuate these narratives of divide. Rakhine Buddhist nationalist narratives are increasing in southern Rakhine, and there are reports of violence and forced conversions linked with this. Anti-Rakhine narratives are increasing in urban centers, which give tacit public approval to the violence against civilians in the state. **The space to preserve relationships and prevent widespread inter-communal violence in Rakhine is dwindling fast.**

- 3. Violence will continue to escalate ahead of elections. Delayed or cancelled elections will heighten atrocity risks.** There is heightened risk for widespread politically backed misinformation campaigns and increased hate speech against ethnic minorities in the lead up to elections that are only 4 months away. Violence is likely in these areas to disenfranchise certain communities and keep people from voting. The period after elections will also be incredibly volatile. The relationship between elections and violence is reciprocal; not only will violence likely delay or cancel elections, but elections will exacerbate violence. It is expected that elections will be delayed or cancelled in Ponnagyun, Mrauk U, MinBya, Kyauktaw, and Paletwa townships. The current atrocities will only escalate ahead of the elections. Implications extend beyond the November elections, though. There are growing concerns that the Government will formally link the Arakan National Party (ANP) with the AA and bar them from participating in the upcoming elections. This will have critical effects on a) the levels of violence; b) participation and acceptance of elections; and c) the longer-term democratic transition and the peace process. The elections could pose a risk to the ongoing peace process, should there be an attempt to politicize an “outcome” of the process that all sides do not see as legitimate.

Recommendations

There have been some forward movements from the international community towards Myanmar. In January 2020, the International Court of Justice (ICJ) in the Hague [imposed](#) emergency “provisional measures” on the Myanmar government to protect the extremely vulnerable in the country. As the case continues to develop, the ICJ has required Myanmar to prevent additional genocidal acts by its own or affiliated forces, as well as preserving evidence of wrongdoing according to the policies under the Genocide Convention. Although this ruling seems to represent progress in preventing mass atrocity throughout Myanmar, lack of government action on the ground has seriously increased civilian grievances. The Union government has also made some attempts to implement some of the steps mandated in the ICJ provisions, including moving people out of homes that were previously inhabited by Rohingya who fled in 2017. However, these are being done without consultation to those that were living there and has increased tensions on the ground. For instance, a local GAD official was killed in retaliation for implementing these policies.

The U.S. Government has also taken measures to confront rising security concerns. The U.S. House of Representatives passed [H.R. 3190](#), *Burma Unified through Rigorous Military Accountability Act of 2019*, and included language in the FY20 [NDAA](#), and the Senate has introduced the *Burma Human Rights and Freedom Act of 2019* ([S. 1186](#)). These commitments and pieces of legislation address important issues of accountability, security assistance reforms, and humanitarian support that are much needed in the context of U.S.-Myanmar relations. However, there are major atrocity risks that require more expansive engagement from the U.S. and the international community. **There is need for immediate action to prevent further violence against civilians.**

- 1. Disrupt the patterns of violence and contain the downward spiral in Rakhine.** The Tatmadaw described their actions against the Arakan Army as a “clearance operation” - which directly mirrors the language and tactics used against the Rohingya in 2017. There needs to be increased international attention on this violence and clear commitment from the USG that the violence against civilians is unacceptable. The U.S. must make physical access and usable internet in northern Rakhine the top priority in engagement with the Myanmar government.
- 2. Keep lines of communication open with the civilian government (for communication with CSOs and for international diplomacy). Urge them to change their role in the conflict and play a de-escalation and mediation role between armed actors.** Right now, at the union level the actions of the civilian

government are seen as aligned with the Tatmadaw (e.g. lauding their response to COVID-19, supporting the designation of the AA as a terrorist group, etc.) and the state government has largely been absent from these conversations. It is critical to ensure that a) the civilian government works to de-escalate conflict and protect civilians; and b) the limited relationships between CSOs and government are not shut down. If these relationships are cut off, then the only interactions between the groups will be violence.

- 3. Strengthen mechanisms to support displaced persons and integrate social cohesion into humanitarian assistance.** Most IDPs are being supported in informal shelters - hut-like shelters, monasteries, schools - that are not recognized by the government and receive no support. Religious actors and communities have been the major support networks and will likely be stretched as violence continues. As the rainy season progresses, there will be even greater humanitarian need. It is essential that social cohesion is integrated into this humanitarian assistance to preserve relationships between Rakhine and Chin and other ethnic/religious minority groups to prevent the outbreak of inter-communal violence in addition to vertical violence between Tatmadaw and AA.
- 4. Invest in online and offline programs to drain popular support for violence.** Violence against those considered “other” has been a major enabling factor for previous atrocities in Myanmar. The same divide-and-rule propaganda is now being used to sow social discord, marginalization, and divisions between groups.
- 5. Share the USG inter-agency strategy for violence prevention before, during, and after elections with civil society.** Draw on best practices from within State and USAID to engage with NGOs and civil society in scenario-planning exercises, strategy development, and dissemination of U.S. response to potential suspension of elections in conflict-affected states with escalating violence.
- 6. Infuse conflict sensitivity and atrocity prevention work into COVID-19 support.** International support will be critical in stopping the spread of COVID-19 in Myanmar. As the international community looks to stop the spread of the virus, it must recognize that the pandemic will only exacerbate existing threats to civilian lives. It is critical that the emergency health responses are conflict sensitive and recognize the myriad risks that the containment strategies pose to civilian security. As the potential for instability grows, integrated development assistance that tackles multiple aspects of the transition will be critical in decreasing violence risks.
- 7. Ensure close coordination with other donors operating in Myanmar in the lead-up and aftermath of the elections.** From EU to JPF, other multilaterals are also working on atrocity prevention issues. The U.S. should engage with other embassies for joint scenario planning and response. Prepare for future triggers that will further escalate violence (e.g. potential AA attack in Yangon, declaration of ANP as AA sympathizer, or delayed/cancelled elections) that may drastically increase violence.
- 8. Support the binding obligations set out by the ICJ and utilize tools of economic and diplomatic leverage and accountability to dissuade further violence against civilians.** The U.S. should support the implementation of provisional measures put forth by the ICJ to prevent mass atrocities in Myanmar. The Global Magnitsky Act and the JADE Act authorize the imposition of targeted sanctions on military officials responsible for clearance operations in Rakhine. The U.S. should also deploy diplomatic leverage with the Governments of Bangladesh, Japan, India, China, Russia, and others to promote a joint message of “security and prosperity” in their best interest.