

Myanmar Risk: Very High/Ongoing

Myanmar remains at very high risk for atrocities as the junta sustained its violent attacks against civilians. It has been ignoring regional and international calls to end the violence in the country and remained uncooperative in implementing ASEAN's Five-Point Consensus. The junta also dissolved the National League for Democracy (NLD) as the latter failed to comply with new registration requirements imposed by the military government for all political parties to enable them to participate in the planned elections this year. This clearly indicates that the military regime is unwilling to engage in a dialogue with anti-coup democratic forces in the country to end the crisis in the country.

The Myanmar military has adopted more brutal tactics amidst growing attacks by civilian armed resistance including beheading and other forms of mutilation of captured People's Defence Forces (PDF) as part of sowing terror against those who support the PDFs especially in central Myanmar.¹ As of 25 April, there are over 3,400 people confirmed killed by the military in Myanmar, with more than 21,500 arrested, and over 17,600 people in detention. Of those arrested, 110 are death row prisoners while 42 others have been sentenced to death in absentia.²

The junta's security forces have been conducting air strikes against civilians especially in central and northern parts of Myanmar where the combined forces of the PDF and ethnic armed organisations (EAOs) are based and can mount strong resistance against the military on the ground. On 11 April, some 200 people were killed in Pa Zyi Gyi township in Sagaing region after the military conducted deadly airstrikes against civilians during an opening ceremony of a public administration building. Despite international condemnation, the military conducted another airstrike in the area on 20 April although there were no casualties reported from this incident as many civilians were either killed or fled after the deadly airstrikes earlier.³ Between 20 March and 18 April, the military conducted a total of 28 airstrikes in Sagaing and Bago regions, as well as in Chin, Kayah, Kachin, and Karen states. This resulted in a total 210 people killed and 60 others wounded.⁴

In early April, an estimated 10,000 people from Myanmar fled into Thailand's border Tak province after fierce fighting between ethnic armed groups and the junta's security forces in southern Karen state. However, over 3,000 of these 'evacuees' returned to Myanmar on 12 April with the Thai military insisting that they all returned voluntarily.⁵ The Karen National Liberation Front (KNLF) attacked military troops in Shwe Kokko, a notorious casino town in Myawaddy state controlled by pro-military Border Guard Force where a number of foreign nationals from Southeast Asia, Hongkong, and Taiwan were reportedly trafficked or kidnapped to operate cybercrime activities controlled by criminal syndicates from China, which are apparently tolerated by the junta. Since the February 2021 coup, there is a notable increase in drug smuggling, human trafficking, illegal animal, gems, and mineral trade, as well as cybercrime activities in Myanmar. Income from 'dark economy' activities provide revenue for the military and militias that support the junta. The military is also resorting to land-grabbing activities against farmers and other landowners in the country, many of which are being converted to military bases.⁶

The alarming humanitarian crisis in Myanmar continues to worsen amidst ongoing armed clashes across multiple states and regions between junta forces and the combined PDF and EAO resistance. Specifically, the number of internally displaced persons (IDPs) are rising, which is now close to 1.8 million people. Of this, 1.4 million were displaced by conflicts since the coup on top of over 328,000 who were already displaced before the military takeover.⁷ Some 60,000 civilian properties have been burned or destroyed since the coup⁸ as the junta continues to conduct airstrikes and arson of villages in many parts of the country. Accordingly, humanitarian operations have been hampered by both physical and administrative obstacles, including the junta's efforts in denying delivery of humanitarian assistance to those who are in need especially in conflict areas with strong armed resistance against the coup.

Meanwhile, Rohingya refugees continue to fall victim to human trafficking as they try to escape their desperate situation in the camps in Cox's Bazaar as well as those from IDP camps in Rakhine. Increasing crime against refugees and attacks by militant groups in Bangladesh, as well as lack of educational and work opportunities have driven many Rohingyas to take risks via perilous boat journeys at sea.⁹ (The UN High Commissioner for Refugees reported a significant spike in Andaman Sea crossings by Rohingya refugees in 2022: 1,920 from January to November 2022 compared to 287 in 2021, or a six-fold increase)¹⁰. In March, simultaneous fires broke out in various parts of refugee camps that destroyed 2,800 shelters and some 90 facilities including hospitals and learning centres, which left over 12,000 refugees homeless. A local district official called the incident a "planned act of sabotage" by militants based on the findings of a seven-member panel of investigators.¹¹ Separate fires again broke out on 18 and 25 April in two camps, with hundreds of Rohingya shelters made of bamboo and plastic were burned.¹² Between January 2021 and December 2022, there were 222 fire incidents in Rohingya camps in Bangladesh, of which 60 were arson cases according to defense ministry report released in February 2023.¹³

There is also strong resistance among Rohingya refugees to ongoing efforts by China, Bangladesh, and the junta in Myanmar to begin their repatriation back to Rakhine without guarantees of citizenship and protection of their human rights. China is mediating between Bangladesh and the military in Myanmar to begin a pilot repatriation project for the Rohingyas. Diplomatic visits between Bangladesh and Chinese officials took place in March and April, even as some Myanmar military officials conducted interviews with some Rohingya refugees in Cox's Bazaar. Human rights advocates were skeptical about the repatriation project, which they consider to be a tactical move by the junta to reduce pressure from the International Court of Justice. The ICJ recently rejected the request of the junta to postpone submission of a reply by six months on the case filed by The Gambia. Accordingly, the UNHCR asserted that the conditions in Rakhine are not conducive to a sustainable return of Rohingya refugees.¹⁴

Overall, the humanitarian crisis in Myanmar is likely to worsen in the coming months as the junta remains desperate to hold on to power amidst widespread armed resistance. ASEAN's diplomatic efforts in ending the violence in the country is unlikely to be realized soon given the Myanmar military's continuing defiance in implementing the Five-Point Consensus (FPC) to which it agreed to more than two years ago. To date, Indonesia's 'quiet diplomacy' in attempting to bring all protagonists in the conflict to the negotiating table is not making any progress thus far. In fact, its diplomatic efforts as Chair of ASEAN in realizing the FPC is being undermined by independent initiatives of some members and regional actors perceived to be more friendly to the junta. Two separate meetings were held in Bangkok and New Delhi under the so-called "Track 1.5" dialogue where representatives from Myanmar's military government attended but no representatives from the National Unity Government (NUG) were invited. Thailand convened the first meeting in March that brought together "like-minded" participants from ASEAN and non-ASEAN members. India convened the second meeting in April where participants agreed that the meeting is complementary to ASEAN's diplomatic efforts although India and Bangladesh expressed frustration over the 'slow pace' of the ASEAN process and the need for the regional organization to consider the concerns of Myanmar's neighbors.¹⁵ Thailand's prime minister, who recently convened a consultation meeting with Lao and Myanmar heads of government to address the transboundary haze problem affecting their countries, addressed Min Aung Hlaing as "prime minister" of Myanmar.¹⁶ Thailand's Deputy Prime Minister and Foreign Minister Don Pramudwinai also visited Nay Pyi Taw and met with the junta chief and discussed boundary problems related to peace and stability, human and drug trafficking, as well as arms smuggling. He was accompanied by Thailand's special envoy on Myanmar who is an advocate of greater engagement with the Myanmar's military regime as a way out of the ongoing crisis.¹⁷

Recommendations:

The Tatmadaw should:

- Immediately cease all violations of international humanitarian law.
- Ensure that those responsible for violations are held accountable.
- Take tangible steps to return authority to the democratic government.
- Fully comply and implement the FPC agreement with ASEAN leaders without preconditions
- Allow the unrestricted delivery of and access to international humanitarian assistance to IDPs and other affected communities in conflict affected areas in Myanmar

ASEAN and its members should:

- Impose more stringent measures on the military regime for its non-compliance with the FPC. These should include suspending Myanmar's membership of ASEAN and considering the recognition of the NUG as Myanmar's legitimate government.
- Engage directly with the NUG and other democratic forces in Myanmar.
- Ensure protection of refugees from Myanmar, including the Rohingyas, who are fleeing violence in Myanmar and who are victims of human trafficking.
- Refrain from forcibly repatriating refugees, victims of human trafficking, and anti-coup activists back to Myanmar
- Oppose plans by the junta to hold general elections that excludes the participation the NLD and other democratic parties who are opposed to the coup and refuse recognition of any government that will be set up by the military regime after the conduct of such elections.
- Cooperate with the UN special envoy to coordinate more fully in exploring options to break the current stalemate in Myanmar, giving priority to delivery of humanitarian assistance to affected communities in the country, including food, medical and health services, and assistance to the growing number of internally displaced peoples before and after the coup in 2021.
- Expand the delivery of humanitarian assistance given the collapse of Myanmar's economy that could bring close to half of the population below poverty line by expanding the mandate of the ASEAN Humanitarian Assistance (AHA) Centre and coordinating humanitarian response with independent humanitarian organisations within Myanmar.

All UN Member States should:

- Increase humanitarian support, in coordination with ASEAN and other independent humanitarian organisations working within Myanmar, to civilians suffering as a result of ongoing atrocity crimes and conflict.
- Increase humanitarian assistance to Rohingya refugees.
- Expand and implement targeted sanctions against the Tatmadaw and its business holdings in Myanmar and call on other UN member states including those in ASEAN that continue to do business with the military regime to do the same.
- Take steps to give to implement an arms embargo against Myanmar, as recommended by the UN General Assembly.

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- ⁴ Nora, “Junta Air Strikes Kill over 2010 People In Past Month,” The Irrawaddy Online, 25 April 2023, from <https://www.irrawaddy.com/news/conflicts-in-numbers/myanmar-junta-air-strikes-kill-over-210-people-in-past-month.html>, accessed on 26 April 2023.
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- ⁸ Ibid.
- ⁹ Ruma Paul, Sudipto Ganguli, and Krishna N. Das, ‘Surging crime, bleak future push Rohingya in Bangladesh to risk lives at sea,’ Reuters, 24 January 2023, from <https://www.reuters.com/world/asia-pacific/surging-crime-bleak-future-push-rohingya-bangladesh-risk-lives-sea-2023-01-24/>, accessed on 27 April 2023.
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- ¹¹ Ruma Paul, ‘Bangladesh panel says fire at Rohingya camps “planned sabotage”,’ Reuters, 13 March 2023, from <https://www.reuters.com/world/asia-pacific/bangladesh-panel-says-fire-rohingya-camps-planned-sabotage-2023-03-12/>, accessed on 27 April 2023.
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