

Myanmar Risk: Very High/Ongoing

Atrocities in Myanmar are continuing with the junta committing more war crimes against and crimes against humanity against civilians since the February 2021 coup. Civilian armed resistance to the military regime, with the help of ethnic armed organisations, appears to be strengthening even more across the country, forcing the junta to extend its emergency rule for another six months and general elections slated for August 2023 was again postponed.

As of 9 August, over 3,900 people are confirmed to have been killed by the military since the coup, which include pro-democracy activists and other civilians resisting the junta. More than 24,200 have been arrested and over 19,700 have been detained (of which more than 7,000 are serving sentences). A total of 105 people are death row prisoners.¹ The UN Independent Investigative Mechanism for Myanmar (IIMM) claimed in its recent report that it has gathered strong evidence of increasing war crimes in the country since the coup, which include mass executions and sexual violence. Specifically, it reported that the military is responsible for the surge in aerial bombardments, burning of villages, mass killings of civilians and detained combatants, as well as torture and sexual violence.² The IIMM, which was created by the UN Human Rights Council in 2018, was tasked to gather evidence of the most serious international crimes for criminal prosecution of perpetrators in Myanmar.

The continuing atrocities by the military has also worsened the humanitarian crisis in the country. As of 15 July, the UN reported that there are now an estimated 1.9 million internally displaced persons across the country, of which 1.6 million were displaced by clashes and insecurity since the February 2021 coup. Over 320,000 IDPs in the country were already displaced in Myanmar prior to the coup mainly in Rakhine, Kachin, Chin, and Shan states. About 70,000 civilian properties have been destroyed since the coup due to continuing aerial strikes by the junta against civilian targets in central Myanmar.³ The humanitarian crisis in the country is also exacerbated by continuing restrictions imposed by the junta on the delivery of humanitarian assistance in conflict affected areas as well as in Rakhine state since the onslaught of Cyclone Mocha even as the State Administration Council (SAC) suspended its humanitarian cyclone response.⁴

Meanwhile, the junta remains defiant of ASEAN's and the international community's calls for implementing the bloc's Five-Point Consensus (FPC) amidst continuing difficulties in breaking the stalemate between the military regime in Myanmar and the pro-democracy forces resisting the coup. Despite claims by Indonesia as ASEAN Chair that it has conducted more than 100 engagements with various stakeholders and parties in Myanmar, there is no clear indication that a breakthrough is in sight for peace and stability to return in the country. If anything, the regional consensus is apparently being undermined by separate initiatives led by Thailand and India who were acting in their own national interests as frontline states in engaging the junta to seek an end to the conflict. Both convened a series of track 1.5 meetings in Bangkok and New Delhi, which included representatives from the junta's SAC but was not participated in by some ASEAN members. Jakarta expressed disappointment over these initiatives and asserted that ASEAN's consensus must be upheld by all members and partners. Specifically, President Joko Widodo stressed that the crisis in Myanmar could only be resolved if there is 'political will' from all parties and that ASEAN, as a 'big ship', cannot sink as it is the group's responsibility to millions inside Myanmar.⁵ For his part, Timor L'este Prime Minister Xanana Gusmao said that his country is prepared to drop its bid to become the eleventh member of ASEAN if the group fails to convince the junta to end the Myanmar crisis. He asserted that, as a democratic country, Timor L'este "could not accept military regimes anywhere and could not ignore human rights violations in Myanmar."⁶

Coordination of diplomatic efforts between the UN and ASEAN in the search for a solution to the Myanmar crisis has also been stalled following the decision of Dr Noleen Heyzler to step down as UN Special Envoy to Myanmar after her term expired in June. So far, the UN Secretary General has not appointed a new special envoy. It is significant to note that during her term as special envoy, the junta in Myanmar refused her requests to meet with NLD leader Aung San Suu Kyi and other detained members of the party. The regime also refused similar requests from past ASEAN special envoys to meet with her. In contrast, the military allowed Thailand's Deputy Prime Minister and Foreign Minister Don Pramudwinai to meet with Suu Kyi in July,⁷ and reportedly a meeting with China's special envoy for Asian Affairs, Deng Xijuan, was to take place during the latter's visit in Myanmar in early August.⁸

Overall, the Myanmar crisis is likely to drag on as the junta remains defiant of international and domestic pressures in putting an end to its atrocities against civilians and complying with the ASEAN's FPC. As Indonesia's chairmanship will be passed on to Laos next year, it is unlikely that the regional organisation would be able to break the current impasse in Myanmar in the near future even as the junta and the anti-coup resistance movement are unwilling to engage in a dialogue without preconditions.

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.
- Uphold their commitment to the FPC even as they also explore alternative pathways in resolving the Myanmar crisis through engagement.
- 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.

- 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.

The UN Secretary-General should:

- Name a new Special Envoy to Myanmar who will work closely with ASEAN in implementing the FPC and explore other pathways to resolve Myanmar's crises.

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 implement an arms embargo against Myanmar, as recommended by the UN General Assembly.

Notes

¹ Assistance Association for Political Prisoners (for Burma) infographic, 9 August 2023, from <https://www.facebook.com/burmapoliticalprisoners>, accessed on 10 August 2023.

² Agence France Presse, "'Dramatic increase' in Myanmar war crimes: UN probe," Frontier Myanmar, 8 August 2023, from <https://www.frontiermyanmar.net/en/dramatic-increase-in-myanmar-war-crimes-un-probe/>, accessed on 8 August 2023.

³ Myanmar Humanitarian Updates, 15 July 2023, from <https://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-update-no-31-15-july-2023>, accessed on 10 August 2023.

⁴ Ibid.

⁵ Agence France Press, "Indonesia says Myanmar solution needs 'political will' from all sides," Thai PBS World, 8 August 2023, from <https://www.thaipbsworld.com/indonesia-says-myanmar-solution-needs-political-will-from-all-sides/?fbclid=IwAR1PTWTyTUvsCPyR8CPqANuhX28IZJ-sIK6MPjOLAKj8DDWyGvuySoNUWX0>, accessed on 10 August 2023.

⁶ A. Muh. Ibnu Aquil, "Timor-Leste rethinks its accession bid if ASEAN cannot handle Myanmar issue," The Jakarta Post, 7 August 2023, <https://www.thejakartapost.com/paper/2023/08/07/timor-leste-rethinks-its-accession-bid-if-asean-cannot-handle-myanmar-issue.html>, accessed on 10 August 2023.

⁷ Kate Lamb, "Thai foreign minister says he met with Aun San Suu Kyi." Reuters, 12 July 2023, from <https://www.reuters.com/world/asia-pacific/thai-foreign-minister-says-he-met-with-myanmars-jailed-leader-suu-kyi-2023-07-12/>, accessed on 12 July 2023.

⁸ Agence France Presse, "Myanmar's Aung San Suu Kyi Moved From Prison: Party Official," Barron's online, 27 July 2023, from <https://www.barrons.com/news/myanmar-s-aung-san-suu-kyi-moved-from-prison-party-official-b20599e4>, accessed on 10 August 2023.