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INTRODUCTION

Atrocity crimes are not only a serious threat to human life but also to national and international peace and security. Measures taken to prevent these crimes are therefore of great importance, also serving to reinforce states sovereignty by reducing the need for more intrusive forms of response from the international community. In 2014 the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect presented an updated framework of analysis for the risk of genocide, which also includes the risk of crimes against humanity, war crimes and ethnic cleansing – the so called Framework of Analysis for Mass Atrocity Crimes (henceforth referred to as ‘the Framework’). This framework serves as a working tool to identify those countries most at risk of atrocity crimes.¹

The following risk assessment for atrocity crimes in Myanmar utilises the risk factors and indicators as set out in the Framework. Important to note is that only the risk factors and indicators currently relevant to the situation in Myanmar are outlined in this assessment.

Myanmar is a country with a history of violations of international human rights and humanitarian law, and the 69 years that Myanmar has been independent has been characterised by military rule, human rights abuses as well as ethnic and religious tensions and violence. Thus, when the new government entered into power in March 2016 they inherited overwhelming human rights challenges, and the expectations from the people of Myanmar as well as the international community have been high. Unfortunately, one and a half year later there continue to be reports of serious human rights violations. The findings of the empirical analysis of Myanmar show that the current risks of mass atrocity crimes occurring in Myanmar are very high. In fact, there are a number of indicators present for the specific risk factors, relating to crimes of genocide, crimes against humanity and war crimes. Several indicators relating to the risk the crime of genocide (Risk Factor 9 and 10) were identified, and although the UN has not yet determined whether the violence against the Rohingyas meet the legal criteria for genocide, there is evidence of an intent to destroy the Rohingya people. Amnesty International has concluded that the violent acts against the Rohingyas constitute crimes against humanity, and the indicators referring to crimes against humanity (Risk Factor 11, 12 and 13) also denote that Myanmar’s military forces and various armed groups are committing crimes against humanity and war crimes against civilian populations in Kachin and Shan States. In addition to this, the analysis of the eight common risk factors, including several indicators, displays the presence of conditions that increase the risk of atrocity crimes.

Picture: Map of Myanmar ²

LIST OF ABBREVIATIONS

Arakan Army (AA)

Boarder Guard Police Force (BGF)

Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

Convention on the Rights of the Child (CRC)

International Federation for Human Rights(FIDH)

International Center for Transitional Justice (ICTJ)

Internally displaced persons (IDP)

International Human Rights Clinic (IHRC)

International Monetary Found (IMF)

Kachin Independence Army (KIA)

Myanmar National Democratic Alliance Army (Kokang) (MNDAA)

Myanmar National Human Rights Commission (MNHRC)

Myanmar Police Force (MPF)

Nationwide Ceasefire Agreement (NCA)

Non-Governmental Organisations (NGO)

National League for Democracy (NLD)

National Reconciliation and Peace Centre (NRPC)

National Socialist Council of Nagaland-Khaplang(NSCN-Khaplang)

UN's Office for the Coordination of Humanitarian Affairs (OHCHA)

UN Human Rights Office of the High Commissioner (OHCHR)

Permanent People's Tribunal (PPT)

Responsibility to Protect (R2P)

Stockholm International Peace Research Institute (SIPRI)

Ta'ang National Liberation Army (TNLA)

United Nations (UN)

United Nations Office on Drugs and Crimes (UNODC)

Union Solidarity and Development Party (USDP)

FRAMEWORK OF ANALYSIS

The Framework of Analysis is comprised of 14 Risk Factors of atrocity crimes, and subsequent to each risk factor are 6 to 18 specific Indicators that help to determine the degree to which each Risk Factor is present. Together, these Risk Factors and Indicators guide the collection and assessment of data as regards to the risk of atrocity crimes in Myanmar. 8 of the 14 Risk Factors constitute Common Risk Factors, which are conditions that increase the probability or risk of atrocity crimes, although not necessarily identifying the specific type of crime. The additional 6 Specific Risk Factors, on the other hand, helps to identify the risks associated with each of the three international crimes – namely genocide, crimes against humanity, and war crimes (risks of ethnic cleansing are integrated into those of the other atrocity crimes).

Following the collection of data for each of the Risk Factors and its specific Indicators an overall assessment is made as regards the risk of atrocity crimes in Myanmar. A greater number of Risk Factors and Indicators being present indicate an enhanced risk for the occurrence of atrocity crimes. It is important to note that the absence of any Risk Factor or Indicator does not indicate that they are any less important, only that those issues are of minimal concern at the present stage. It is also important to stress that the risk factors and indicators are not ranked, however, they are situated and analysed within the broader political, historical and cultural context of Myanmar.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes against humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Further information about the above mentioned risk factors and indicators, as well as a more detailed outline of the Framework of Analysis for Atrocity Crimes, can be found by clicking here or by visiting the UN website at www.un.org.

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

The first risk factor identifies “situations that place a State under stress and generate an environment conducive to atrocity crimes”, such as armed conflict, humanitarian crisis, economic and/or social instabilities. Despite the national ceasefire agreement and current peace process there are contained clashes between government forces and various armed groups in several parts of the country. In addition to this, there is further evidence of social and economic instabilities, a humanitarian crisis and a volatile political situation.

Non-international armed conflict

In October 2015 a national ceasefire was signed between most of the country’s armed groups and the regime, officially ending a civil war that had been ongoing since Myanmar gained its independence from the British in 1948, and in which mass atrocities frequently had been used as a weapon of war.³ However, a closer look on the situation on the ground discloses a reality with continued violent clashes between government forces (the Tatmadaw) and various armed groups in several parts of the country, including the Kachin, Shan, Chin, Rakhine and Karen States. Indicator 1.1, which refers to a non-international armed conflict, is thereby present.⁴

The last months of 2016 saw reports of increased fighting in the north eastern parts of the country (northern Kachin and Shan State) between the government forces and “the Northern Alliance”. The former is an umbrella organisation formed by four ethnic opposition groups from northern Myanmar (the Myanmar National Democratic Alliance Army, the Arakan Army, the Ta'ang National Liberation Army, and the Kachin Independence Army) in order to coordinate their military action against the government forces, which they accuse of carrying out attacks against them. With almost daily clashes between the Tatmadaw and the Northern Alliance, including reports of government forces using air power and long-range artillery, it appears as the use of force continues to be the Tatmadaw and its armed adversaries’ first resource rather than using the newly established peacebuilding institutions.⁵

There were furthermore reports of several deadly clashes in the Rakhine state following an attack of 500 to 800 people in October 2016 on border police bases in the northern part of Rakhine. The situation in northern Rakhine State has further deteriorated since the 25th of August this year when the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces. A recent report by Amnesty International describes how Myanmar’s security forces systematically target the Rohingya population in northern Rakhine State in a ruthless campaign of organized violence and commits serious violations of human rights.⁶

According to the United Nations (UN) Report of the Special Rapporteur on the situation of human rights in Myanmar, it is the civilian population that has borne the brunt of the continued fighting with these violent clashes usually resulting in grave violations of human rights by all conflicting parties.⁷

The peace process – a challenging task

Indicator 1.2 is also apparent in Myanmar, which refers to a defection from a peace agreement, causing a security crisis. However, it is not so much of a defection but rather defects and complexities of the current peace process, which is an extraordinary difficult process as it tries to unify approximately 20 various ethnic armed groups that since 1948 have been fighting for independence, autonomy, ethnic minority rights, and/or sometimes economic purposes.⁸

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Achieving peace is a top priority for the National League for Democracy (NLD) led government, which has made efforts to bring remaining ethnic armed groups to the peace process and to sign the National Ceasefire Agreement (NCA) that was developed by the former government. Only eight armed groups have so far signed the NCA⁹, and remains seized in ongoing mediation with the NLD and the Tatmadaw.¹⁰ This constitutes a challenge in the current peace process, as the military repeatedly highlights the signing of the NCA as a precondition for participation in the political dialogue. However, this precondition has not been strictly enforced in the Panglong-21 conferences that were established by the new government. At the first Panglong-21 conference held in August/September 2016 non-signatories to the NCA were allowed to attend, which nearly all armed groups did (except the AA, TNLA, MNDAA and NSCN-Khaplang). During the second conference in May 2017 State Counsellor Daw Aung San Suu Kyi met with a block consisting of seven ethnic armed groups that have rejected to sign the NCA but want to participate in peace talks. Overall the conferences have been a step in the right direction, with the second Panglong-21 conferences resulting in 37 out of the 45 points being agreed upon. Critical issues however, such as self-determination and secession, still remains to be discussed.¹¹

Moreover, there are other huge challenges ahead, not least as the NLD-government need the approval from the military for any concessions made with ethnic groups, while at the same time balancing the role and influence that China has on the peace process and continued fighting.¹² The role of China will be further elaborated on under Risk Factor 5 (see 'Support from external actors – the role of China').

The peace process is also hampered due to the deficient capacity of the government's peace secretariat (the National Reconciliation and Peace Centre (NRPC)), the deep-rooted distrust and the fact that several armed groups still have reservations to the current peace process, believing continued fighting to be more advantageous than signing the NCA and entering into dialogue with the government and the Tatmadaw.¹³

Thus, despite the efforts of the current government to move forward with the peace process, there are still major challenges to overcome in order to put an end the instable security situation.

A humanitarian crisis in the disaster-prone Myanmar

Indicator 1.3 relates to "humanitarian crisis or emergency, including those caused by natural disasters or epidemics". According to the Myanmar Humanitarian Needs Overview 2017 by the UN's Office for the Coordination of Humanitarian Affairs (OCHA) there is an ongoing humanitarian crisis in Rakhine, Shan and Kachin States, with a total of 218,000 displaced people and 526,000 people in need of humanitarian assistance. This is the result of various factors including severe malnutrition, armed conflict, restriction of movement, and lack of life-saving services. Since the August 25 attacks at least another 500,000 civilians, out of whom an estimated 94 per cent are Rohingyas, have fled their homes in the northern Rakhine State. The UN Secretary General António Guterres have described the situation as "the world's fastest developing refugee emergency and a humanitarian and human rights nightmare"^{14, 15}

In addition to this, Myanmar's frequent exposure to natural disasters is further adding to the current crisis. Just last year Myanmar experienced flash floods and two earthquakes reaching a 6.8 magnitude, which damaged, among other things, roads, farm land, hospitals, schools and houses, and temporarily displaced over half a million people and left 133,000 people in need of livelihood support.¹⁶

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

A volatile political situation

Indicator 1.4 and 1.5 refers to political instability caused by “irregular regime change or change of power” (1.4) and “disputes over power or growing nationalist, armed or radical opposition movements” (1.5), both of which are present in Myanmar. The recent change of power from military rule to democracy, together with the central government’s tense relationship with many of the ethnic minority leaders, constitutes two major factors affecting the current volatile political stability in Myanmar.

Transfer of power – from military rule to democracy

On the 8th of November in 2015 the National League for Democracy (NLD) won a resounding electoral victory, securing 80 per cent of the seats in parliament. This was the first national election since the introduction of a nominally civilian government in 2011, which ended the historical military rule of Myanmar that been characterised by human rights abuses, systemic corruption, rigid control, and an abrasive nationalism.¹⁷ Nevertheless, the military managed to ensure their continued political role through the rewriting of the Constitution in 2008, thereby guaranteeing themselves 25 per cent of the seats in parliament and veto rights with regards to constitutional changes.¹⁸

On the 30th of March 2016 Htin Kyaw was sworn in as President.¹⁹ Htin Kyaw is an ally of the famous human rights activist Daw Aung Sang Suu Kyi, who lead the NLD to victory in the election but is barred from Presidency by the Constitution. Suu Kyi was controversially appointed to a newly created special advisory role of State Counsellor, giving Suu Kyi’s office its own budget and the authority to advise both the executive and legislative branches.²⁰ Despite the discontent of the military-backed Union Solidarity and Development Party (USDP) at the State Counsellor development, Commander-in-Chief Min Aung Hlaing has maintained an acceptance of its role as a separate institution working under the leadership of the civilian government, nevertheless stressing the primacy of the 2008 Constitution and the obvious implication that has for the continued role it sees itself playing in political affairs.²¹ This because the 2008 Constitution provides the military with a great amount of influence, as for example not being under civilian control, having the right to dissolve the government, and the power to appoint the ministers of defence, border affairs and home affairs.²² Additionally, elements of the former military government still remain in Kyaw’s new cabinet. For example, one of the two vice presidents is the retired general Myint Swe, who was nominated by the military for this position. In this sense, the military and the NLD seem to have reached some kind of political equilibrium, although a fragile one with few mechanisms that will help to avoid future confrontations between the two.²³

Disputes over power with ethnic armed opposition movements

A point of growing political instability lies in the central government’s relationship with the many ethnic minority political leaders who are feeling increasingly alienated from decision-making. The ongoing discussion regarding the decentralisation of state power, which was included in the 2008 Constitution and theoretically would provide the seven ethnic minority states with certain legislative and executive powers, has caused many ethnic groups to organise themselves and continue their fight to gain autonomous rights.²⁴

Economic instability

Myanmar is well positioned to stabilise its economy, with the lift of sanctions by the United States and the European Union in 2012 as well as Myanmar’s significant potential within the agricultural sector, rich endowment of natural resources, and strategic geographical location between two of the world’s biggest economies – India and China. However, two indicators pointing to economic instability are observable.²⁵ Before analysing these indicators further it is important to note that any

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

claims about the economic conditions in Myanmar must be made with a degree of caution, as a large underground economy and poor statistical capacity are muddying the waters.²⁶

Economic instability caused by disputes over resources

Indicator 1.7, which includes economic instability “caused by disputes over the use or exploitation of resources”, is observed in Myanmar. Despite the liberalisation of the country’s economy the military maintain effective control of it, especially Myanmar’s natural resources. The military’s ambition to retain economic dominance and hold on to these resources constitutes an underlying factor to the ongoing, and historic, conflict between the military and Myanmar’s ethnic minorities, as most of these resources are located in territory inhabited by ethnic minorities.²⁷ Conflict over resources does not only cause social unrest but also have a negative impact on the stability of the economy.

Economic instability caused by severe crisis in the national economy

Indicator 1.8 refers to economic instability “caused by a severe crisis in the national economy”. Despite the positive outlook and overall economic growth, with the International Monetary Fund (IMF) estimating Myanmar’s economic growth for 2015/2016 being 7.3 per cent, the challenges to maintain macrofinancial stability are significant.²⁸ The IMF lists some factors that have a detrimental effect on the stability of the national economy.²⁹

The IMF points to how the weak gas prices and inefficiencies are weighting state economic enterprises performances and thereby also government revenues. They further highlight the economic impacts following last year’s earthquakes and the floods in 2015, and how natural disasters continue to pose a significant risk to the economy.³⁰ With agriculture constituting the backbone of the country’s economy (comprising 38 per cent of GDP and being the second largest export commodity), furthermore being the major source of employment and livelihood for a majority of the population, it is easy to see the detrimental effect that natural disasters have on both the micro- and macrofinancial stability.³¹

Social instability – the issue of identity

Indicator 1.11 relates to social instability “caused by exclusion or tensions based on identity issues, their perception or extremist forms”. The issue of identity is a crucial aspect to the current social instability in Myanmar, including the ongoing armed conflict between the Tatmadaw and various armed groups as well as the social exclusion experienced by some groups, not least the Rohingya people. However, in order to understand the current situation it is important to put it into the wider historical and cultural context of the development of today’s nation-state that is Myanmar.

Myanmar is a country with rich dimensions of ethnicities, cultures, religions and political views, and the social coexistence between these diverse groups is an issue that have haunted the country throughout its history.³² Various attempts has been made to form national unity between these diverse groups and construct a single national identity, which instead caused a growth in a religious nationalism that eventually resulted in the domination of the Burmese identity for which Buddhism became the central criterion for being a ‘true Burmese’. This process has steadily weakened the political and cultural activities of other ethnicities and turned Myanmar into a state model that reminds of a unitary structure, but which has kept all the political power under control of the ethnic Burmese people.³³

The assimilation policy by Myanmar's military regime triggered an identity- and ethnic crisis, which remains as one of the root causes to the current social unrest. Non-Burmans launched to armed

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

resistance, as they did not see any other means of responding to this forced assimilation.³⁴ Many minority groups are feeling that their ethnic identity, including their language and culture, has been ignored by the central government.³⁵

Through this process, the Rohingya people, who are a Muslim minority group with an estimated population of more than one million people living in the Rakhine State of Myanmar, have been one of the most affected populations. They have been the victims of discriminatory laws implemented by national governments throughout the military regime. Even in today's Myanmar they continue to be socially excluded by restrictive policies and practices, not least through the 2008 Constitution, which restricts citizenship to those who have two parents that are already deemed to be citizens.³⁶ As a consequence, the Rohingya people have been denied citizenship, as they are not – despite their deep links to their country – considered as one of the indigenous ethnic groups of Myanmar.³⁷

The identity crisis and social exclusion of ethnic groups have contributed to the continuing conflicts along ethnic lines, which, together with the countrywide anti Muslim unrest, present the greatest obstacles in Myanmar's process towards democratisation and economic development.³⁸

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Risk factor 2 concerns “past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations”. Myanmar is a country with a history of violations of international human rights, humanitarian law and mass atrocity crimes. Unfortunately, one year following the new government's entry into power, there continue to be reports of serious violations of human rights and humanitarian law, including numerous reports of military and security forces committing atrocity crimes against the Rohingya people. The current political system in which the military still have extended powers is rendering it difficult for the NLD-led government to create change and take any concrete actions against the military. Although some small steps have been taken to improve the situation there are various indicators present that fosters continued widespread human rights abuses. This includes a culture of impunity and inaction to use all possible means to stop human rights violations, as well as a lack of reconciliation and transitional justice, and widespread mistrust in State institutions as a result of impunity.

Past violations

Indicator 2.1 and 2.2 both refers to past violations, the former with past ‘serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals’ and the latter with past ‘acts of genocide, crimes against humanity, war crimes or their incitement’. Myanmar is a country with a history of violations of international human rights and humanitarian law, including mass atrocity crimes.³⁹ The protracted armed conflict between various armed factions and the government forces since the country's independence in 1948 is an important piece in understanding the history of, and continuous, violations of international human rights, humanitarian law, and atrocity crimes in Myanmar.

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

When the British left Myanmar in 1948, they left a weak state lacking the institutional and legitimate capacity to control such an ethnically, religiously, culturally and politically diverse country, all of which had different views of the future shape of this new Burma.⁴⁰ This led to the military raising to power, being seen as the only institution that could control and unite the country. One of their strategies to remain in control was by the commission of atrocities, including the deliberate killing of civilians and systematic and widespread human rights violations.⁴¹ Districts largely inhabited with people considered as non-burman, such as the Shan, Kachin and Sagain in the north, the Chin in the west, and Karen in the east, have faced severe repression and human rights abuses.⁴²

The 1982 Citizenship Law, which recognises three categories of citizenship (full, naturalised and associate), effectively denies the Rohingya people the possibility of acquiring citizenship and thereby also the basic rights that comes with it.⁴³ As a consequence, they have since been the victims of human rights violations such as restrictions of movement, denial of access to education, forced labour, and loss of land holdings. Since the changes in 1982 there has been an increase in the level of state violence against the Rohingyas, causing many to flee to neighbouring Bangladesh.⁴⁴

Thus, the 69 years that Myanmar has been independent has been characterised by military rule as well as ethnic and religious tensions and violence, generating an environment conducive to atrocity crimes that has resulted the death of an estimated 158,000 civilians.⁴⁵ There are numerous documentation of human rights abuses, including sexual violence, torture, extrajudicial killings, forced labour, forced recruitment of tens of thousands of child soldiers, and the displacement of over one million people.⁴⁶ These crimes have not been adequately addressed and several human rights organisations are calling for accountability for both past and present human rights violations.⁴⁷

As stated in the framework, a country with a history of violence and human rights abuses are more prone to further atrocity crimes, which has proven to be true for Myanmar.⁴⁸

Present violations

Indicator 2.1 also refers to present restrictions or violations of international human right and humanitarian law. As evident from the previous section, the current government inherited overwhelming human rights challenges, and the expectations from the people of Myanmar as well as the international community have been high. Unfortunately, one year following the new government's entry into power, there continues to be reports of serious human rights violations. The UN Special Rapporteur on the Situation of Human Rights in Myanmar (henceforth UN Special Rapporteur), Ms. Yanghee Lee, has expressed serious concerns over the human right situation, with evidence of, among other things, forced evictions, discriminatory laws and policies, as well as surveillance, arrests and killings of civil society actors for peaceful and democratic activities.⁴⁹ The UN Secretary General and UN Security Council has also expressed serious concern about the reports of excessive use of violence against the Rohingyas in northern Rakhine State.⁵⁰

Ms. Yanghee Lee has also expressed concerns that the UN and other humanitarian organisations have been denied access to deliver humanitarian relief assistance to those displaced by the escalation of conflict in Kachin and Shan States. There are reports of serious violations of human rights and humanitarian law committed by all parties to the conflict, including torture, arbitrary killings, abductions, inhumane and degrading treatment, and sexual- and gender-based violence, all of which frequently go uninvestigated.⁵¹

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Since October last year, following the attacks on boarder police outposts in northern Rohingya, there have been various reports of security forces⁵² committing atrocity crimes against the Rohingya people during so called ‘clearance operations’, with allegations of extrajudicial killings, arbitrary arrests, torture, systematic rape, and the burning of Rohingya villages.⁵³ Some UN officials have been describing the actions of the military against the Rohingyas as so severe that it is very likely to amount to ethnic cleansing.⁵⁴ According to the military, they are countering Rohingya rebel insurgency.⁵⁵ However, since the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces on the 25th of august this year, the situation has further deteriorated. A recent report by Amnesty International describes how Myanmar’s security forces systematically target the Rohingya population in northern Rakhine State in a ruthless campaign of organised violence and serious violations of human rights.⁵⁶

As touched upon in the previous section the Rohingya people have for long been denied citizenship, and the government’s effort of a citizenship verification process has been stalled. To qualify for citizenship through this verification process Rohingya people has to identify themselves as Bengalis, as well as to provide the right documentation. Most Rohingyas are sceptic to the verification process and refuse to renounce their Rohingya identity. Some Rohingya people however have registered as Bengalis to gain citizenship and rights, this only to discover that nothing will really change.⁵⁷ Thus, in addition to lacking citizenship, including all the rights it entails, the Rohingyas and Muslim people elsewhere in Rakhine State continue to face human rights violations in the form of restrictions of access to education, health-care, livelihoods, and restriction of movement (being confined to their villages or displacement camps).⁵⁸

Another Muslim population in the Rakhine State that have been the target of violence and discrimination is the Kamans. Following the escalation of violence in the Rakhine State in 2012, thousands Kaman people are now living in IDP camps and facing the same restrictions as the Rohingyas. Despite the Kamans being recognised as one of the indigenous ethnic groups of Myanmar, and thereby granted citizenship, they are finding it increasingly difficult to gain national identity cards. This because many are accused of actually being Rohingyas only claiming to be Kamans in order to gain ID-cards.⁵⁹

A practice of impunity and inaction to stop ongoing violations

A further analysis of the above mentioned violations of international human rights and humanitarian law, including the reports of atrocity crimes being committed against the Rohingyas, displays the presence of both indicator 2.3 and 2.4, which refers to “policy or practice of impunity for or tolerance of-”, as well as “the inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing” serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement. There is a continued culture of impunity for, and inaction to use all possible means to stop human rights violations against civil society actors as well as ethnic and religious minorities, including the alleged atrocity crimes committed against the Rohingya Muslims. However, when examining the continued policies and practices of impunity, as well as the inaction to put an end to violations of human rights and international humanitarian law, it is important to put it into the broader context of the complex political environment and system that the NLD-led government has to manoeuvre in order to create change.⁶⁰

There are a number of issues indicating a continued policy and practice of impunity as well as an inaction to use all possible means to stop violations of human rights and international humanitarian

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

law. The UN and several human rights organisations have urged the government to take prompt action and put an end to human rights violations, including the systematic and institutionalised discrimination against religious and ethnic minorities, furthermore stressing the need for an impartial investigation into human rights violations.⁶¹ The previous commissions that have been established by Myanmar to review the situation have been questioned as regards to the extent to which their investigations have been “prompt, thorough, independent and impartial”⁶². Moreover, the government is yet to take effective measures to halt religious hatred and bring perpetrators of attacks against religious minorities to justice.⁶³ An especially worrisome sign as reports of human rights and humanitarian law violations in conflict areas increased during the end of 2016, including the serious abuses against the Rohingya people, was that Suu Kyi made few, if any, comments.⁶⁴

Also civil society actors continue to face harassment, intimidation and surveillance by the authorities. The government’s legal reform process of certain repressive laws, which put civil society actors at risk for peaceful and democratic activities, have to a large extent, according to human rights organisations, lacked transparency and failed to adequately consult with civil society and legal experts. The UN General Assembly has also raised concerns over the increasing numbers of charges of criminal defamation against journalists, politicians, students and social media users for their peaceful expression of opinion. Although some repressive laws have been repealed⁶⁵, there are still cause for concern as the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law continue to be used for arbitrarily arrest and the detention of people for exercising their rights to freedom of expression and association, including on the basis of their ethnicity or political beliefs.⁶⁶

There is furthermore a continued culture of impunity for serious violations of human rights and humanitarian law. This culture is maintained through both policy and practice, with most violations not being investigated, a lack of complains mechanisms for victims of human rights abuses, and the 2008 Constitution protecting the army from any criminal investigations.⁶⁷ With the military not being under civilian control the government’s capacity to put an end to this culture of impunity and to influence the military to comply with international humanitarian law standards is limited.⁶⁸ However, some small steps have been taken to improve the situation, including a move away from total impunity⁶⁹. There have been a few instances of recognition that security forces have committed serious crimes, where low-ranking military officials have been brought to civilian courts and tried and convicted for serious crimes. One of the most recent cases is Lt.-General Mya Tun Oo, the deputy commander of the Army’s North Eastern Command, who in August 2016 admitted that five local men had been killed by his soldiers.⁷⁰

As mentioned in the beginning of this section, in order for the NLD-led government to change current practices and policies they have to work through a complex political environment and system, which the military to a large extent remain in control of. For example, the military still controls Myanmar’s civil and security apparatus, being in charge of the ministries of defence, boarder affairs and home affairs as well as 25 per cent of the parliament, and thereby having the power to veto any constitutional changes. Thus, the military can make governing, including creating political and policy changes, very difficult for the government. Just in terms of administration, the government has to go through the General Administration Department, which falls under the Ministry of Home Affairs and thereby is controlled by the military. The General Administration Department is responsible for the country’s public administrative structure, including the 14 state and regional governments. The military also have the ability to hinder national planning and regulations by making traps in the budget through their connections to the permanent secretaries, who were appointed during the former government and have kept their positions under the new government. The NLD-govern-

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

ment therefore needs to work together with the generals both in the government and parliament to change current laws, policies and practises.⁷¹ The parliament however have shown initiative to build some autonomy, with some MPs questioning the national executive, including enhanced efforts to investigate and put perpetrators to justice for human rights abuses.⁷²

Underlying factors fostering continued serious human rights abuses

Indicator 2.7 and 2.8 refers to underlying factors that fosters continued widespread human rights abuses, namely the lack of reconciliation and transitional justice (indicator 2.7) and the mistrust in state institutions as a result of impunity (indicator 2.8).

Absence of reconciliation and transitional justice

Achieving peace is a top priority for the NLD-led government. In their 2015 Elections manifesto the NLD states that they will take action to “Resolve problems between ethnic groups through dialogue based on mutual respect”⁷³, and the governments peace efforts through the Panglong-21 conferences has been an important arena for dialogue, which has resulted in steps forward towards peace.⁷⁴ However, as mentioned in previous sections, little has been made to account for the crimes committed during the protracted armed conflict and former military regime.⁷⁵ A key aspect of reconciliation and transitional justice following a conflict is the acknowledgement of past violations and suffering caused. According to the International Center for Transitional Justice (ICTJ)⁷⁶, an international non-profit organisation specialised in the field of transitional justice, any discussions of the extensive human rights abuses in the past has been largely understood to be off the table. This despite the expectations from victims of past and present human rights violations who seek retribution, or at least an official acknowledgement, for the abuses they have suffered.⁷⁷

The military is very likely to resist any efforts towards acknowledging past or present abuses, including any discussions on transitional justice, in fear of them one day being brought to justice for war crimes or crimes against humanity.⁷⁸

Thus, as stated in their election manifesto, the government’s priority is to establish a dialogue between the conflicting parties. With regards to national reconciliation, it appears that the main focus so far has been on the relations between the NLD, the military, officials and supporters to the former governments.⁷⁹

Widespread mistrust in State institutions as a result of impunity

The apparent culture of impunity (see Risk Factor 2 “A practice of impunity and reluctance to stop ongoing violations”) together with the lack of transitional justice and reconciliation has had an effect on the people of Myanmar’s confidence in the State and its institutions, creating a lack of trust that the government will protect them. That Suu Kyi has not taken concrete actions to end the ongoing violence, despite the increasing number of reports of human rights and humanitarian law violations, constitute a serious obstacle towards a stable Myanmar where the people have faith in the government and state institutions. As written by Network for Human Rights Documentation in Burma “The large spike in human rights violations committed over the past year suggests silence does indeed result in recurrence”⁸⁰, thus leaving the people of Myanmar not being able to trust that abuses will not continue. With the government facing a complex political system in which the military has extended powers it is difficult for them to change current policies and practices. Unfortunately, without the government speaking up and taking concrete actions to put an end to this culture of impunity, the distrust against the State will continue.⁸¹

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Risk Factor 3 involves circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes. The analysis of Risk Factor 3 demonstrates the presence of eight indicators, revealing that the government to a large extent lack the capacity necessary to stop and prevent human rights and humanitarian law violations, which, as a consequence, increase the probability of atrocity crimes. As this section will show, Myanmar's national legal framework does not offer sufficient protection of human rights and that there is a need for more resources and training being dedicated to state institutions, in particular judicial, law enforcement and human rights institutions. It furthermore demonstrates problems with high levels of corruption and poor governance, as indicated by the country's low scores on Transparency International's Corruption Index and World Bank's Data on corruption, rule of law, government effectiveness and transparency. Especially problematic is the extended power guaranteed to the military in the 2008 Constitution, including the military not being under civilian control, which affects the government's capacity to influence the military to comply with human rights and international humanitarian law standards.

Weaknesses in the national legal framework and the lack of ratifications of international human rights treaties

Indicator 3.1 relates to weaknesses in national legal frameworks that cause a lack of ample and effective protection, including through the ratification of relevant international human rights and humanitarian law treaties. In UN Special Rapporteur's report from March this year Ms. Yanghee Lee raises several concerns over Myanmar's national legal framework, which does not offer sufficient protection of human rights across the country. Although the government during its first year in office has made efforts to repeal or amend certain legislations that are incompatible with fundamental human rights law, such as the amendments to the Ward or Village Tract Administration Law (2012) and the repeal of the State Protection Act (1975) and the Emergency Provisions Act (1950), many legal frameworks that do not comply with international standards are still in force. Some of the most pressing are pertaining to the Citizenship Law (1982) and freedom of association, expression and religious practice. With regards to the former, the UN Special Rapporteur in particular stresses the importance of removing provisions that provide for the granting of citizenship on the basis of ethnicity or race, and to resolve the legal status of habitual residents of Myanmar, ensuring "equal access to citizenship through a non-discriminatory and voluntary process"^{82, 83} She further highlights the urgency of enacting laws on the prevention of violence against women and the rights of children.⁸⁴

Ms. Yanghee Lee also suggest "a law on law-making" in order to set out a clear and consistent legislative process that guarantee transparency and the systematic public consultation on draft laws. A step in the right direction in this matter is the adoption of the Strategic Plan (2015-2019), which serves to protect human rights and uphold prosecutorial ethics through the drafting and vetting of laws.⁸⁵

Imperative for the effective operation of the rule of law in Myanmar is the amendment of the 2008 Constitution. Drafted by the military regime and voted into adoption in a dubious referendum, the 2008 Constitution represents the foundation of the military's claim to continued political involvement and lack of civilian oversight of the military⁸⁶. With the military controlling 25 per cent of the parliament they thereby also have the capacity to veto any constitutional changes. Thus, amendments of the constitution would require the acceptance of military, amendments that most likely would involve them renouncing some of its power. Conscious that this is a highly politically sensitive issue, the UN Special Rapporteur continues to stress the importance of a constitutional reform and encourage all stakeholders and political parties to continue discussing this issue.⁸⁷

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Regarding ratification of international human rights and human law treaties there are 12 key international human rights treaties, including the Optional Protocols, to which Myanmar is not yet a party state.⁸⁸ In her latest report the UN Special Rapporteur urges Myanmar to by March 2018 have ratified the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the International Covenant on Civil and Political Rights, and all other core international human rights instruments.⁸⁹

Limitations in national institutions

Indicator 3.2 concerns the functioning of state institutions, particularly judicial, law enforcement and human rights institutions, which are crucial for a State's capacity to prevent and protect its population from human rights violations and atrocity crimes. The UN and international human rights organisations have encouraged the government of Myanmar to address the current lack of adequate representation and training of judicial, human rights and law enforcement institutions, also stressing the need of increased resources to the Myanmar Police Force (MPF).

Law enforcement

The MPF has, and still is, largely considered as a strategic reserve to the armed forces and integral part of the country's Defence Services. Due to the lack of institutional autonomy from the military, including the fact that former military officers hold many senior police posts, leaves many to question whether the police is adequately represented.⁹⁰ The underrepresentation of women and minorities in the police force is further adding to the scepticism towards the representation of the MPF.⁹¹

A report by the United Nations Office on Drugs and Crimes (UNODC), released on the 16 of May 2016, highlighted several deficiencies within the MPF that are in need of reform, including enhanced training and the need for increased resources and equipment. According to the report, the police's training system does not live up to international standards, stressing the need to reduce focus on drill and military skills and to include components to ensure that human rights are not violated as well as techniques on how to deal with community violence. The authorities have acknowledged the deficiencies within the MPF, who has committed to further reform the country's law enforcement and to address the issues highlighted by the UNODC in order to modernise the country's police training academies.⁹²

Judicial institutions

The judiciary in Myanmar has been criticised for its inadequate training of individuals holding judicial positions and the control exercised by the executive over the judiciary, which is undermining the separation of powers and the independence of the judiciary. In addition to this, there is widespread evidence of judicial corruption and cases where lawyers defending protestors have been intimidated, charged or had their practicing licences suspended. Thus, not only is indicator 3.2 present with the lack of adequate representation and training, indicator 3.3 is also demonstrated, namely the lack of an independent and impartial judiciary. Initial efforts have been made by Myanmar to reform and strengthen the judiciary, but further steps are necessary.⁹³

Human rights institutions

The Myanmar National Human Rights Commission (MNHRC) was created in 2011 with the purpose to protect fundamental rights of the people of Myanmar, including to monitor and promote compliance with human rights law and to investigate complaints and allegations of human rights violations. Unfortunately, the MNHRC has not been seen as a viable or safe option by civil society, as evident from the limited number of complaints related to human rights violations they have received. The

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

ICTJ list the lack of transparency, thorough investigations, witness or victim protection, and a system to make confidential complaints, as some of the reasons behind civil society's mistrust in the MNHRC.⁹⁵

Several of MNHRC's commissioners are former military officials and many have little experience in the field of human rights, highlighting the need of adequate representation and more training. The apparent lack of adequate representation is deemed to continue as the MNHRC continuously avoid criticising the government or the military, not properly investigating human rights abuses in conflict areas and failing to reach out to civil society.⁹⁶

Lack of effective civilian control of security forces

As already stated under Risk Factor 1 (see "A volatile political situation"), indicator 3.4 is present with the military in Myanmar not being under civilian control. The UN and international human rights organisations have raised their concern over the extended powers guaranteed to the military by the 2008 Constitution and repeatedly highlighted the lack of civilian oversight of the military.⁹⁷ The influence that the military still have over the police (see section above) is also resulting in a lack of civilian control over law enforcement.

High levels of corruption and poor governance

Indicator 3.5 concerns the level of corruption or poor governance. Myanmar ranks 136 out of 168 countries in Transparency International's Corruption Index 2016, indicating an entrenched culture of corruption, cronyism and a lack of accountability within the public sector.⁹⁸ So far the NLD government has taken some modest steps to address the high levels of corruption, which has remained rampant at both local and national levels.⁹⁹ The country has, however, improved its ranking since year 2015 when it was ranked 147.¹⁰⁰

Besides the country's continuous problems with high levels of corruption, the governance of Myanmar is further hampered by its dysfunctional rule of law and lack of government effectiveness and transparency, including its engagement with civil society. World Bank's Worldwide Governance Indicators on these issues shows that Myanmar score very low on all indicators, being among the lowest quartile in the world. Nevertheless, the same as with Myanmar's improved ranking on the Corruption Index, a reading of World Bank's Worldwide Governance Indicators shows improvements in recent years.¹⁰¹

WORLD BANK WORLDWIDE GOVERNANCE INDICATOR				
	2012	2013	2014	2015
Government Effectiveness*	3.3	4.7	9.1	10.1
Rule of Law*	5.6	10.3	8.7	7.7
Voice and Accountability*	4.2	6.6	9.4	13.3
*Percentage Rank ¹⁰²				

Inadequate internal mechanisms of oversight and accountability

Indicator 3.6 refers to "absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims". As mentioned under Risk Factor 2 (see "A practice of impunity and reluctance to stop ongoing violations" and "Underlying factors fostering continued serious human rights abuses") there is restricted access to complain mechanisms, including a limited capacity to deal with the large number of violations taking place.¹⁰³

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

The MNHRC was established to increase compliance and to investigate allegations of human rights violations, thereby increasing accountability. However, the inadequate functioning of the MNHRC, which have been discussed above, have resulted in the Commission not being considered a viable or safe option by civil society, receiving a limited number of complains relating to human rights violations.¹⁰⁴

With regards to the deteriorating situation in the Rakhine State the government has established several commissions, which has been criticised for limitations relating to its investigations, impartiality and independence. One of these commissions is the Maungdaw Investigation Commission, which was established to investigate the background and the events taking place in Rakhine State following the violent attack on 9th of October last year. Not only is this Commission lacking representation from the Rohingya community (only having one Muslim member, a former Myanmar Ambassador), former military personnel constitute some of its members and the Commission itself is led by the Vice President, who is a former military commander. In addition to this, the Advisory Commission on Rakhine State, which was appointed by the government in August last year and comprise of six local and three international experts, has stated that its mandate does not encompass human rights investigations.¹⁰⁵ Nonetheless, the Advisory Commission's final report from August this year contain important recommendations that are relevant to the current crisis in the Rakhine State, which has implications for human rights protection and atrocities prevention.¹⁰⁶

Moreover, the absence of official government programmes for transitional justice and reconciliation further limit possible venues for victims to seek recourse for the abuses they have suffered (see Risk Factor 2 "Underlying factors fostering continued serious human rights abuses").¹⁰⁷

An end to the culture of impunity and increased oversight and accountability requires the military being under civilian control. Under the current system, the vast majority of cases involving military personnel are tried under court-martial. One step towards increased accountability would be to transfer cases involving military personnel committing human right and humanitarian law abuses to civilian courts.¹⁰⁸ With no threat of accountability violations of human rights and humanitarian law will continue.

In addition to this, many victims are refraining from seeking justice out of fear for retributions for accusing the military of committing human rights abuses. Over the past year, people have been arrested and imprisoned for criticising the military for far less trivial issues than accusing them of violations of human rights and humanitarian law.¹⁰⁹

There are however external mechanisms of oversight and accountability. Earlier this year an International Opinion Tribunal on Myanmar was set up by Rome-based Permanent People's Tribunal (PPT) to address allegations of atrocity crimes committed by government troops against the Rohingya, Kachin and other groups.¹¹⁰ In addition to this, the UN Human Rights Council adopted a resolution in March this year in which it decided to send an independent international fact-finding mission, with the purpose to investigate allegations against Myanmar's military and security forces of committing serious human rights violations, in particular in Rakhine State.¹¹¹ Unfortunately, the government of Myanmar has distanced themselves from the resolution and recently stated that they will refuse to grant visas to personnel of the UN-fact-finding mission. Suu Kyi stated that they do not consider the resolution to reflect what is actually happening on the ground.¹¹²

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Non-compliance with international humanitarian law standards

Indicator 3.8 refers to “lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards”. Violations of international humanitarian law have been committed by all parties to the conflict (see Risk Factor 13 for more information), which, as stated in the previous sections, frequently go uninvestigated. The UN Special Rapporteur has repeatedly urged all parties to end ongoing violations and to allow access for UN and other humanitarian organisations to deliver humanitarian relief assistance to civilian populations.¹¹³ Evidently, the government lack the capacity to ensure that means and methods of warfare and methods comply with international humanitarian law standards. One of the reasons behind this is the extended power guaranteed to the military in the 2008 Constitution, including the military not being under civilian control, which affects the government’s capacity to influence the military to comply with international humanitarian law standards.

The UN Special Rapporteur has further stressed the importance of providing and expanding awareness and training of the military and armed groups in humanitarian law, thereby denoting the presence of indicator 3.7, namely a “lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups”.¹¹⁴

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk factor 4 concerns “reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders”. Identifying motivations, aims or drivers that could influence certain individuals or groups to resort to massive violence as a way to achieve goals or respond to real or perceived threats is important, not least from an early warning perspective. Indicators 4.1, 4.2, 4.3, 4.4, which relates to various interests that could influence certain groups or individuals to use violence in order to secure those interests are found in Myanmar. The military and various armed groups are likely to continue using violence as a mean to achieve their political goals and safeguard their economic interest by protecting and seizing control over Myanmar’s resources and its distribution. This brings with it continued violations of human rights and humanitarian law and an increased likelihood of atrocity crimes. There is furthermore indication of an interest in rendering an area homogenous in its identity, with evidence of a specific intent to destroy the Rohingya population. This section also analyses indicators 4.5, 4.6 and 4.7. These indicators refer to the issue of membership to a specific group, all of which enhance the construction of identities in terms of “us” and “them”, which in turn serves as driver that justify the use of violence against “the other”. More specifically, they refer to the supremacy of the Burmese identity (indicator 4.7), membership of or support for armed opposition groups (indicator 4.6) and the perception of Muslims as a threat to interests or objectives of Buddhists and other particular ethnic groups (indicator 4.5). This section will end with an analysis of indicator 4.8 and the politicisation of tensions and past grievances.

Interests and motives justifying the use of violence

Indicators 4.1, 4.2, 4.3, 4.4 all relates to various interests that could influence certain groups or individuals to use violence in order to secure their interests, namely political (4.1), economic (4.2), strategic/military (4.3), and other interests, including creating an area homogeneous in its identity (4.4). An historical context is especially important when analysing these indicators in Myanmar in

RISK FACTOR 4: MOTIVES OR INCENTIVES

order to fully understand the impact these has, and continue to have, on the use of violence and violations of human rights and humanitarian law. Not least as these interests constitutes the root cause of the continuous conflicts between the armed forces and various ethnic armed groups. Some of the information under this section has been mentioned under other risk factors as well. It is nevertheless important to point out that some of these circumstances also constitute motives and/or incentives to commit mass atrocity crimes.

Political motives

Political interests constitute one of the main drivers behind the continued fighting between the armed forces and various ethnic armed groups around the country. The military has been in control of the country for the past 60 years and managed to keep a lot of its political power by the rewriting of the Constitution in 2008. The ethnic armed groups, on the other hand, have since 1948 been fighting for independence, autonomy and ethnic minority rights, and several of these groups are now demanding the creation of a federal union. The military leaders have stated that as long as the NLD cannot produce reasonable stability and demobilise and disarm the various ethnic armed groups they are unlikely to give up any of its political powers. However, given the armed groups' lack of trust for the military, including their lack of confidence in the government, it is equally unlikely that the ethnic armed groups will surrender their weapons. Making the issue even more complex is the large amount of armed groups and their various interests, including the many sub-minorities' who fear that federalism will not change their situation. There is furthermore the question of how much federal power the government and the military actually would be willing to devolve.¹¹⁵ Hence, the military and the various armed groups are likely to continue using violence as a mean to achieve their political goals, with continued violations of human rights and humanitarian law and an increased likelihood of atrocity crimes.

Economic interests – the strategic value of protecting and seizing resources

There are incredibly strong economic incentives tied to the control of Myanmar's vast natural resource endowment, including oil, gas, jade and timber among others. The military's ambition to maintain economic dominance and control the distribution of these resources constitutes an underlying factor to the ongoing, and historic, conflict between the military and Myanmar's ethnic minorities. The numerous networks of armed groups in Myanmar's borderlands have to some extent been driven by the military's attempts to monopolise and secure these resources.¹¹⁶ Thus, both economic (indicator 4.2) and strategic interests (indicator 4.3) are major drivers influencing both the military and local populations to resort to violence in order to protect and seize control over these resources and its distribution.

Strategies to tackle the increasing inequality as well as the inclusion of local populations through, for example, policies on resource-sharing and decision-making processes for approving development projects are crucial to form a sustainable and stable Myanmar that protect the rights of local populations.¹¹⁷

Other interests – a specific intent to destroy a national, ethnic, racial or religious group

Indicator 4.4 refers to other interests, which includes "those aimed at rendering an area homogeneous in its identity". With regard to the deteriorating situation in Rakhine State for the Rohingya people, there are evidence indicating a specific intent to destroy the Rohingya population, such as hate speech, dehumanisation of the others, organised campaigns of hate, protests and other extremist elements against the Rohingyas at the state and local governmental level. There is furthermore evidence suggesting that there are state plans to eliminate the Rohingya population, with the denial

RISK FACTOR 4: MOTIVES OR INCENTIVES

of citizenship, deportations, restrictions on movement of Rohingya people and the implementation of discriminatory laws targeting the Rohingyas. These serious indications denoting genocidal acts will be more elaborated on under Risk Factor 9 and 10, which analyses the specific indicators for genocide.

“Us” and “them” – the salient divisions along religious and ethnic lines

Ethnicity and religion are two serious underlining divides among Myanmar’s population. As the 2015 Myanmar Asian Barometer Survey demonstrates, the construction of identity among ethnic and religious lines are salient, and “have been at the heart of conflict and violence in Myanmar”¹¹⁹. The creation of identities in terms of “us” and “them” has resulted in an exclusionary ideology, as demonstrated with the vast majority of ethnic and religious minorities expressing that there is discriminatory treatment by the government with deep inequalities in terms of how ethnic minorities are treated. This is in sharp contrast to the Burman majority with more than 60 per cent stating that they do not consider there to be unequal treatment among ethnic and religious lines.¹²⁰

Indicators 4.5, 4.6 and 4.7 refer to this issue of membership to a specific group, all of which enhance the construction of identities in terms of “us” and “them”, which in turn serves as driver that justify the use of violence against “the other”. More specifically, indicator 4.5 relate to real or perceived threats posed by protected groups against interests or objectives of perpetrators, indicator 4.6 deals with the issue of membership of or support for armed opposition groups, and indicator 4.7 relates to ideologies based on the supremacy of a certain identity. In order to understand this development in Myanmar we have to start with the last indicator and the supremacy of the Burmese identity.

The supremacy of the Burmese identity

Myanmar is a diverse country with around 135 different ethnic groups. The ethnic minority groups constitute about 30 to 40 per cent of the population, however the majority of the population is ethnically Burman and predominantly Buddhists. As mentioned under Risk Factor 1 (see ‘Social instability – the issue of identity’), the various attempts to form national unity between Myanmar’s diverse groups and to construct a single national identity has instead resulted in a growth in religious nationalism, which eventually resulted in the domination of the Burmese identity for which Buddhism became the central criterion for being a ‘true Burmese’. This failure of state consolidation, including the military regime’s assimilation policy, has steadily weakened the political and cultural activities of other ethnicities and religious minorities, and remains as one of the root causes to the current social unrest and persistence of atrocities in Myanmar.¹²²

An example, although symbolic, of the supremacy of the Burmese identity and the exclusion experienced by Myanmar’s vast minority groups is the change of the name of the country in 1989 from Burma to Myanmar, with Myanmar being the historic name of the Burman ethnic group. The new flag adopted in 2010 is further considered by many as an indicator of the exclusion of Myanmar’s minorities, as the stars of the old flag represented the diversity of Myanmar and its numerous minorities while the new only has one star, which some argue to represent only the Burman ethnic group.¹²³

Membership of or support for armed opposition groups

Myanmar has a large number of ethnic minority organisations, most of which are formed along ethnic lines. There are also an increasing number of religious organisations developing in ethnic minority communities. This development is a response to the historic and continuous repression of Myanmar’s ethnic minorities, furthermore demonstrating a strong sense of ethnic and religious identity.

RISK FACTOR 4: MOTIVES OR INCENTIVES

The vast majority of the armed opposition groups in Myanmar are also formed along ethnic lines and are dependent on the support of local populations, including for finances, intelligence, recruit and food. However, it is important to point out that although some of the civilian population support the armed struggle of ethnic opposition groups, many resent the abuses conducted by these groups and most people are living in fear of any armed group coming to their village. There have also been cases where civilian populations have been forced to provide support to the national armed forces or armed ethnic groups.¹²⁴

Perceived threats by protected groups against interests or objectives of perpetrators

Myanmar's Muslim population, and the Rohingyas in particular, have for long faced religious and ethnic discrimination and resentment, which in 2012 intensified as the country went through a socio-political shift. In the newly found freedom of expression and lifting of media restriction xenophobic groups towards Muslims in Myanmar could reach out to the country, especially the Buddhist majority. The xenophobia towards Muslims quickly became endemic. Many people started to consider the Muslims as an existential threat to race and religion and there has been numerous of anti-Muslim riots and outbreaks of violence targeting Muslims across Myanmar. The idea that Buddhism and other particular ethnic groups were at risk of being lost forever, with the Muslims attempting to take over Myanmar, spread among the population.¹²⁵ It appears as this idea also was used by USDP for political reasons, as they in 2012 started to feel threatened by the increasing support for NLD. In an effort to win the Buddhist population over to their side Suu Kyi was pictured as a friend of the Muslims, since she was advocating for universal human rights, and that USDP was the only party that would protect and defend their religion and race.¹²⁶ The Rohingyas in particular was identified as a threat to the demographic map by Myanmar's government and the Rakhine administration, implementing several discriminatory instruments targeting the Rohingyas.¹²⁷

Politicisation of past grievances and tensions

Indicator 4.8 deals with the issue of politicisation of tensions and past grievances. The protracted civil conflict in Myanmar is one of the longest running in the world, with grievances and tensions between the various ethnic groups and the military building up for an extended period of time.¹²⁸ Thus, Myanmar's history with its different ethnic groups fighting one another and the military, as well as the mass atrocities committed by the military regime, has been fostering tensions and grievances, which has not properly been addressed (see Risk Factor 2 'A practice of impunity and reluctance to stop ongoing violations')¹²⁹. During the protracted civil war, essentially all groups have at one point or another been on the receiving end of mass atrocities by either the military regime or another ethnic armed group.¹³⁰

An example of past grievances and tensions that has been building up, and which have had an impact on the relationship with Myanmar's Muslim population, is the history of armed conflict and abuses, including mass atrocities, between the Muslim and Buddhist communities. In 1947 the Muslim Rohingya tried to create an independent Islamic State, conducting a wave of massacres in an effort to drive non-Muslims out of Rakhine. An event that, according to Alex Bellamy, "played a major role in fostering tensions between the two communities over the coming decades".¹³¹

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

Risk Factor 5 identifies a State's capacity to commit atrocity crimes, examining "conditions that indicate the ability of relevant actors to commit atrocity crimes". As the authors of the framework points out, atrocity crimes are not easy to commit, requiring the necessary, substantial resources and support. It is nonetheless important to stress that having the capacity does not imply they will commit atrocity crimes, "it is also necessary that they have the intention to make use of that capacity against a protected group, populations or individual". The capacity of relevant actors in Myanmar has been proven in the past and as evident from the previous risk factors, the military of Myanmar constitutes the major relevant actor with an ability to commit atrocity crimes. Though, there are reports of ethnic armed groups also committing human rights and humanitarian law abuses. As this section will show, the military access personnel, arms and ammunition, including public and off-budget financial resources. Regarding the numerous ethnic armed groups, their capacity is not as extensive. However, both the military and ethnic armed groups have support from militias. In terms of support and recruitment from the general population both the military and the armed ethnic groups are struggling. With regards to support from external actors, China has, and remains, an influential actor in Myanmar's protracted armed conflict and current peace process.

Material capabilities

Indicator 5.1 concerns "availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement". Myanmar's military spending and size of military is hard to pin down, although there are estimates. According to the Stockholm International Peace Research Institute (SIPRI) and Asian Development Bank, Myanmar's military spending was 4.8 per cent as share of GDP, which one of the highest in the world (with only 20 countries having a military spending higher than 4 per cent)¹³². According to numbers from International Federation for Human Rights (FIDH), the military spending has increased from 1.19 trillion kyat in 2011-2012 fiscal year to 2.99 trillion kyat in 2016-2017, which is an increase with 151 per cent.¹³³ However, for fiscal year 2017-2018 the new NLD-led government proposed a slight reduction in the military budget to 2.91, which was approved by Parliament in March this year.¹³⁴ It is important to note that these figures do not take into account other off-budget sources from which the military supplements its income.¹³⁵ The size of the military was in 2016 estimated 406,000 personnel.¹³⁶

Under previous President Thein Sein reforms were made to create a disciplined fighting force and to improve the armed forces' performance and combat capabilities, which included a major arms acquisition program. Despite the change to a civilian led government in Myanmar in 2016 the modernisation and rearmament programs are likely to continue due to the extended political power granted the military in the 2008 Constitution, which makes the military the most powerful institution in Myanmar.¹³⁷

Besides the military there are several dozens of ethnic armed groups in Myanmar with access personnel, arms and ammunition. There is however no exact data on their size and capabilities, with some groups exaggerating their numbers and others keeping it a secret. Except for the United Wa State Army (UWSA) in the Shan State, with an estimated strength of around 20,000 troops, no group is believed to have troop strength over 10,000 troops. Most armed ethnic groups are likely to be under 1,000, although some have between 1,000 to 5,000 troops.¹³⁸

When examining the capacity of both the military and ethnic armed groups it is important to take into consideration the numerous militias operating in Myanmar, which is the only group besides the military and police sanctioned to carry arms by the government¹³⁹. Most of Myanmar's militia are

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

allied with the military, and are either directly incorporated into the military's command structure or under the command and supervision of the military. There are also some smaller militias supported by the military, which are trained and supervised by the local armed forces. The militia collect and provide the military with information about ethnic armed groups, potential threats and guide military units through unfamiliar terrain. A few militias collaborate with ethnic armed groups. There is limited information about these militias and the extent of their collaboration with ethnic armed groups, although a general trend is that only ethnic armed groups that control larger areas and have more resources have militias, which often serves as a reserve force and assist ethnic armed groups with self-defence of their villages. Smaller ethnic armed groups tend to lack the resources needed to equip militia members with the weapons needed to exercise coercive force.¹⁴⁰ Indicator 5.5 is thereby also present, as there are "links with other armed forces or with non-State armed groups".

Capacity to recruit

Indicator 5.3 refers to "capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilise them". As mentioned in the previous section, both the military and ethnic armed groups find support from militias. Though, in terms of recruitment from the population in general the military is struggling. There are reports of poor recruitment levels as well as low morale and high desertion rates.¹⁴¹ In the Rakhine State however there has been an increase in recruitment of local non-Muslim residents in the Border Guard Police Force (BGF). This increase is due to a combination of the increased xenophobia towards the Muslim population, in particular the Rohingya, and the loosened admission criteria and deployment of trainees to the BGF.¹⁴²

With regards to Myanmar's ethnic armed groups, as mentioned under Risk Factor 4 (see "'Us' and 'them' – the salient divisions along religious and ethnic lines"), they are dependent on the support of local populations, including for finances, intelligence, recruit and food. Although some of the civilian population support the ethnic armed groups, as for example among the Shan, Karen and Kachin communities, popular support in general has started to decrease. This is due to several factors, such as resentment of the abuses carried out by armed groups, lack of communication with local communities, and not least war-weariness.¹⁴³

Support from external actors – the role of China

Indicator 5.8 refers to support from external actors, more specifically "armed, financial, logistic, training or other support of external actors, including States, international or regional organisations, private companies, or others". China has been, and remains, an important actor in Myanmar's protracted armed conflict and current peace process. Not only does ethnic armed groups in northern Myanmar share historical, cultural, political and economic connections with groups in China, certain Chinese special interest groups and individuals has offered direct financial support to ethnic armed groups in Myanmar. United Wa State Army (UWSA), Kachin Independence Army (KIA), and Kokang Army (MNDAA) are some of the ethnic armed groups that have been receiving financial support, which has contributed to their ability to continue the armed conflict with Myanmar's military. The relationship between China and Myanmar has improved significantly since the NLD government took office. However, China's support of the peace process will to a large extent depend on a bilateral relation with Myanmar that China considers to be in line with their strategic and economic interests.¹⁴⁴

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Risk Factor 6 is concerned with “absence of elements that, if present, could contribute to preventing or lessening the impact of serious acts of violence against protected groups, populations, or individuals”. There is a lack of a free and independent media, as evident from journalists, media and civil society actors facing harassment, intimidation and surveillance by the authorities, which has resulted in a self-censorship. The government’s action furthermore indicates limitations in its cooperation with international organisations, including access to populations in conflict areas. Another indicator demonstrating an absence of mitigating factors is the lack of incentives and willingness of ethnic armed groups to engage in dialogue with the government and the military.

Note that some of the information mentioned in this section has been mentioned under other risk factors as well.

Lack of a free and independent civil society and national media

Indicator 6.2 relates to the “lack of a strong, organised and representative national civil society and of a free, diverse and independent national media”. Although positive steps have been taken with regards to greater media freedom in Myanmar, as mentioned under Risk Factor 2 (see ‘A practice of impunity and reluctance to stop ongoing violations’), journalists, media and civil society actors continue to face harassment, intimidation and surveillance by the authorities. There is furthermore an increasing number of charges of criminal defamation against journalists, politicians, students and social media users for their peaceful expression of opinion.¹⁴⁵ All of this, including the lack of clarity regarding the application of media-related legislation, has led to self-censorship among the population¹⁴⁶. This self-censorship has a direct negative effect on the press, hampering the functioning of an independent national media.¹⁴⁷

International organisations and their access to populations

Indicator 6.4 is concerned with a lack of presence of international and regional organisations and actors, and their access to populations. During the past four years Myanmar has undergone major reforms and opened up to the world. Thus, the UN, INGOs and other international actors are now present in the country. Myanmar is also a member of ASEAN since 1997, and the country’s internal conflicts have been a major concern for many member states of the organisation. The persecution of the stateless Rohingyas in Rakhine has been a major regional problem for ASEAN as it also spilled over into neighbouring countries Thailand, Malaysia, and Indonesia. Unfortunately, ASEAN has so far failed to respond collectively to persuade both the civilian government and the military in Myanmar to effectively put an end to atrocities in Rakhine.¹⁴⁸

Although international organisations are now present in Myanmar, their access to populations has been limited. As discussed under Risk Factor 2 (see ‘Present violations’), and which will be further elaborated under Risk Factors 13 (see ‘Restrictions on humanitarian access’), the UN Special Rapporteur has expressed concerns that the UN and other humanitarian organisations have limited, and are sometimes denied, access to deliver humanitarian relief assistance to people in conflict areas. Their limited access is not only due to remoteness and security concerns, but also because of difficulties in gaining authorisation from both government authorities and ethnic armed groups.¹⁴⁹ The denial of access by government authorities has furthermore hampered collection of information and reporting on violations of human rights and humanitarian law, rendering the nature of the government’s cooperation questionable. In addition to this, the government of Myanmar has distanced itself from the resolution adopted by the UN Human Rights Council in which it decided to send an independent international fact-finding mission.¹⁵⁰ Thus, also indicator 6.7 is present, as there are signs of “limited cooperation of the State with international and regional human rights mechanisms”.

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Lack of incentives and willingness to engage in dialogue

Indicator 6.8 concerns lack of incentives or willingness of parties to a conflict to engage in dialogue and make concessions. The government is faced with an extraordinary difficult task in uniting about 20 armed ethnic groups and the military. Despite the NLD-led government's efforts deep-rooted distrust remains and several armed groups still have reservations to the current peace process. In short, the government still needs to convince several of the ethnic armed groups that joining the peace talks will be more advantageous than continued fighting. This is a difficult task as the signing of the NCA, and thus disarmament, constitute a precondition for participation in the political dialogue, something that several ethnic armed groups refuse to accept.¹⁵¹

As mentioned under risk factor 1 (see "The peace process – a challenging task") only eight out of the approximately 20 armed groups have signed the NCA, and remains seized in ongoing mediation with the NLD and the military.¹⁵² The military has repeatedly stated that the signing of the NCA is a precondition for participation in the political dialogue, including the Panglong-21 conferences. Several ethnic armed groups have rejected to sign the NCA, as that would require them to disarm before joining the peace talks. The NLD-led government however has managed to open up new channels of communication with non-signatories. For example, the NLD-led government allowed non-signatories to the NCA to participate in the first Panglong-21 conference held last year, and during the second conference held in May this year government peace negotiators and Suu Kyi met with a block consisting of seven ethnic armed groups that have rejected to sign the NCA. However, fighting continues and several groups remain sceptical to the terms of the peace process. Thus, the government is still faced with the challenge of convincing the ethnic armed groups, as well as the military, to put down their weapons and join the table.¹⁵³

RISK FACTOR 7: ENABLING CIRCUMSTANCES OF PREPARATORY ACTION

Risk Factor 7 refers to enabling circumstances or preparatory action, more specifically identifying "events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration". Five out of fourteen indicators for Risk Factor 7 is present, three of which demonstrates an increase in violations against and measures targeting the Rohingya people. This includes the destruction and plundering of Rohingya property and goods, forced displacement and life-threatening living conditions. There has also been an increase in inflammatory rhetoric targeting the Muslim population in Myanmar. The presence of these four indicators generates an environment conducive to the commission of atrocity crimes against the Rohingyas. In addition to this, the authorities control over the use of communication channels through the 2013 Telecommunication Law deters people in Myanmar from accusing the military of committing human rights abuses, in fear of retributions.

Increased violations and discriminatory measures and legislation against the Rohingya

Indicator 7.8, 7.10 and 7.11 all refers to an increase in violations against and measures targeting protected groups, populations or individuals. Indicator 7.8 includes "increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals"; 7.10 looks at the "imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected

RISK FACTOR 7: ENABLING CIRCUMSTANCES OF PREPARATORY ACTION

groups, populations or individuals to camps, rural areas, ghettos or other assigned locations”; and 7.11 is concerned with the “destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity”. As evident from the above-mentioned risk factors and indicators, and further evidence outlined below, all three indicators are found in Myanmar.

Increased violations against the Rohingyas

With regards to indicator 7.8, since October last year there have been an increasing number of reports of security forces targeting the Rohingya people (see Risk Factor 2 ‘Present violations’). These reports include extrajudicial killings, arbitrary arrests, torture, systematic rape, and the burning of Rohingya villages, all of which demonstrates an increase in violations of the right to life, physical integrity, liberty and security of the Rohingyas.

In August this year, when the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces, the situation further deteriorated. Myanmar’s security forces have systematically target the Rohingya population in northern Rakhine State in a ruthless campaign of organised violence and serious violations of human rights. Amnesty International has carried out interviews with Rohingya people that have fled the violence and reviewed satellite images and photos and videos taken inside Rakhine State, all of which displays evidence of unlawful killings, sexual violence and burning of Rohingya villages.¹⁵⁵

Destruction and plundering of Rohingya property and goods

According to a report by the UN Human Rights Office of the High Commissioner (OHCHR) mission to Bangladesh there is further evidence of property belonging to the Rohingyas, such as houses, schools, shops and mosques, being deliberately burnt down by security forces because of the ethnicity and religion of the Rohingyas. The testimonies in this report also indicate that security forces destroy and plunder essential goods belonging to the Rohingyas, such as clothing, money, food and sources of food, with examples of paddy harvests being set on fire and livestock, fishing and farming tools being destroyed or confiscated.¹⁵⁶

Satellite images reviewed by Amnesty International also reveals at least 156 large fires in northern Rakhine State since August this year, in comparison to zero fires detected during the same period the previous five years. These images, together with witness reports of what appeared to be clearly planned and organised burnings demonstrates the deliberate destruction of Rohingya property by the military as well as local government authorities.¹⁵⁷

These deliberate destructions and plundering of goods and property belonging to the Rohingya indicate the presence of indicator 7.11.

Life-threatening living conditions and forced displacement of the Rohingyas

The Rohingyas are also under life-threatening living conditions, with limited access to basic services, and are the victims of displacement and severe restrictions of movement, all of which points to the presence of indicator 7.10. The large-scale destruction and serious abuses of the Rohingya people has resulted in them being forced to flee, with an estimated 605,000 seeking refuge in Bangladesh since August this year. According to OHCHA, around 120,000 IDPs remain confined in camps in the Rakhine State, largely depending on humanitarian aid for survival. In addition to this, in northern Rakhine State the Rohingyas require official approval to move between, and sometimes even within, townships. These official approvals are not only hard to attain, they also risk being arrested or pros-

RISK FACTOR 7: ENABLING CIRCUMSTANCES OF PREPARATORY ACTION

ecuted if failing to comply with its requirements. Due to this restriction of movement many Muslims do not have adequate access to education, health care and other basic service.¹⁵⁸

The UN and various humanitarian aid organisations have called for unimpeded access to civilians in need of humanitarian aid in northern Rakhine State, which has been either suspended or severely interrupted by the authorities of Myanmar.¹⁵⁹

All of this, in combination with the presence of the above mentioned indicators revealing severe abuses and the destruction and plundering of essential goods of the Rohingya people, has caused the Rohingyas living under life-threatening living conditions.

Increased inflammatory rhetoric targeting the Muslims in Myanmar

Indicator 7.14 relates to “increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals”. As mentioned under Risk Factor 4 (see ‘Perceived threats by protected groups against interests or objectives of perpetrators’), religious and ethnic hostilities against Myanmar’s Muslim population, and the Rohingyas in particular, has intensified since the freedom of expression and lifting of media restriction in 2012. Hate speech has become more pervasive with nationalists monks organising gatherings and rallies, which often is followed by reports of violence against Muslims. In addition to this, the Buddhist extremists have become more influential, offering social services and basic education to the poor. This has contributed to the widespread acceptance of their version of Buddhist teaching, including their perception of the Muslims as a threat, as it is the only source for information for many of these people.¹⁶¹

The government has made some efforts to halt the increased hate speech. Last year the government launched a task force to prevent, investigate and hold accountable anyone inciting violence. In addition to this, earlier this year the government ordered the Association for the Protection of Race and Religion, a group of hardline nationalist monks also known as the Ma Ba Tha, to remove all their signboards in the country. If the group would fail to comply the government threatened to take legal action against them.¹⁶³

Control on the use of communication channels

Indicator 7.6 includes strict control on the use of communication channels, which is evident in Myanmar through the application of the 2013 Telecommunications Law. This law includes acts providing the authorities with unlimited power to telecommunication services, allowing them to enter, inspect or obtain documents from them. The government also have indirect control over communication channels through this law, as people risk facing up to three years in prison for acts carried out through the telecommunication network deemed as defamation.¹⁶⁴ Fear of retributions thereby deters people in Myanmar from accusing the military of committing human rights abuses, and as such function as an enabling circumstance.

RISK FACTOR 8: TRIGGERING FACTORS

Risk Factor 8 relates to “events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate conditions or spark their onset”. One indicator is identified and that is indicator 8.5, which refers to attacks on prominent individuals or members of opposing groups. The armed attacks on boarder police in northern Rakhine by suspected Rohingya militants on the 9th of October 2016 has been described by various sources as the spark to the increased violence targeting the Rohingya people. Since the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces on the 25th of August this year, the situation for the Rohingyas has further deteriorated.

The October attacks – the spark to the deteriorated situation for the Rohingya people

Indicator 8.5 refers to “attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups” and/or “other serious acts of violence, such as terrorist attacks”. As outlined in Risk Factor 2 (see ‘Past violations’) the Rohingyas have been the victims of abuses for a long period of time. However, the UN, human rights organisations and other media sources all refer to the armed attacks on boarder police in northern Rakhine by suspected Rohingya militants on the 9th of October 2016 as the spark to the increased violence targeting the Rohingya people. Following this attack there were an additional twenty attacks and ambushes on security forces similar to the one on the 9th of October. As a response, the security forces initiated so called ‘clearance operations’, during which there have been reports of severe human rights violations, such as extrajudicial killings, arbitrary arrests, torture, systematic rape, and the burning of Rohingya villages.¹⁶⁵ Since the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces on the 25th of August this year, the situation has further deteriorated (see Risk Factor 7 ‘Increased violations against the Rohingyas’ and Risk Factor 10 ‘Practices of violence against the Rohingya – an intention to cause humiliation, fear and terror’).¹⁶⁶

SPECIFIC RISK FACTORS

GENOCIDE - RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

Five out of six indicators for Risk Factor 9 is evident in Myanmar, most of which have been touched upon under previous risk factors. However, with Risk Factor 9 being a specific risk factor these indicators are more specified towards identifying elements specific to the crime of genocide, looking at “past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes”. The five indicators demonstrate past and present tensions and armed conflict as well as discriminatory laws, policies and practices against protected groups based on perceived differences, in particular against the Rohingyas. A troubling indicator in this context, as tensions and conflicts are formed along ethnic and religious lines, is the lack of national mechanisms or initiatives to deal with identity-based tensions and conflicts. There are further indications of group-level discrimination against the Rohingya in the form of denial of their existence and of recognition of elements of their identity.

The causes of past and present tensions and armed conflicts – rights, resources, participation, group identity and socioeconomic disparities

Indicator 9.4 concerns “past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity or to perceptions about the targeted group”. As outlined under Risk Factor 1 and 4, issues related to access to rights and resources, participation in decision making processes, expressions of group identity and socioeconomic disparities are all underlying factors to the historic and continuous tensions and armed conflicts between Myanmar’s diverse minority groups and the State.

Access to rights and lack of political participation has been a point of growing political instability between the central government and Myanmar’s many minority groups, who are feeling alienated from decision-making processes and that their ethnic identity has been ignored by the central government. The hope that their protracted fight for autonomy would be resolved by the inclusion of decentralisation of power in the 2008 Constitution, which theoretically would provide the seven ethnic minority states with certain legislative and executive powers, has so far not yielded any concrete changes for Myanmar’s minorities.¹⁶⁷

Also access to Myanmar’s rich endowment of natural resources is a source to the continuous tensions and armed conflict between the military and Myanmar’s ethnic minorities. This because the military want to retain economic dominance and hold on to these resources, most of which are located in territory inhabited by ethnic minorities.¹⁶⁸

The issue of identity and socioeconomic disparities are core drivers to the continuous tensions and armed conflicts, as well as the social exclusion experienced by some groups, not least the Rakhine people. In addition to this, there has been an increase in the xenophobia towards Muslims for the past few years, with outbreaks of violence and anti-Muslim riots across Myanmar.¹⁶⁹ As outlined more in detail under Risk Factor 1 (‘Social instability – the issue of identity’) and 4 (‘“Us” and “them” – the salient divisions along religious and ethnic lines’), the divisions along religious and ethnic lines in Myanmar are salient and a vast majority of ethnic and religious minorities express that there is discriminatory treatment by the government, with deep inequalities in terms of how ethnic minori-

GENOCIDE - RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

ties are treated.¹⁷⁰ The history leading to the supremacy of the Burmese identity and failure of state consolidation have steadily weakened the political and cultural activities of other ethnicities and religious minorities. Myanmar's numerous ethnic and religious minority organisations and armed groups are a response to the historic and continuous repression of Myanmar's ethnic minorities.¹⁷¹ A troubling indicator in this context, with tensions and conflicts formed along ethnic and religious lines, is the lack of national mechanisms or initiatives to deal with identity-based tensions or conflict (indicator 9.6).

Past and present serious discriminatory and exclusionary practices, policies and legislation against protected groups

In terms of past and present discriminatory and exclusionary practices, policies and legislation against protected groups (indicator 9.1) Myanmar's minority groups, as for example the Shan, Kachin, Sagain, Chin and Karen, have faced severe repression and human rights abuses.¹⁷² The Rohingyas, however, have been one of the most affected populations in Myanmar. As outlined under Risk Factor 1 ('Social instability – the issue of identity') and 2 ('Present violations'), the Rohingyas have been the victims of discriminatory laws implemented by national governments throughout the military regime, and continue to be socially excluded by restrictive policies, practices and laws in today's Myanmar.

The 1982 Citizenship Law, which is still in effect, effectively denies Rohingyas the possibility of acquiring citizenship and thereby also the basic rights that comes with it.¹⁷³ Neither are they considered as one of the indigenous ethnic groups of Myanmar, this despite their deep links to the country.¹⁷⁴ Moreover, in order to qualify for citizenship through the verification process Rohingya people has to identify themselves as Bengalis, as well as to provide the right documentation. As outlined under Risk Factor 2 (see 'Present violations') most Rohingyas are sceptic to the verification process and refuse to renounce their Rohingya identity. The denial of Rohingya people as nationals of Myanmar's and to renounce their identity as Rohingyas does not only demonstrate discriminatory and exclusionary laws, it also indicates the presence of indicator 9.2, namely "denial of the existence of protected groups or of recognition of elements of their identity".

The Rohingyas are furthermore subject to discriminatory restrictions of movement. As stated under Risk Factor 7 (see 'Increased violations and discriminatory measures and legislation against the Rohingya'), Rohingyas require official approval to move between, and sometimes even within, townships. In addition to this, the curfew and its related restrictions, which have been in effect in northern Rakhine since June 2012, have been condemned by the UN Special Rapporteur as discriminatory by only being enforced against the Rohingyas.¹⁷⁵

In northern Rakhine, there are additional discriminatory laws and policies targeting the Rohingya population. According to local orders Rohingya people are required to obtain permission from the authorities to marry and restricted from having more than two children according to the 2005 two-child regulation.¹⁷⁶

Other examples of discriminatory laws against protected groups in Myanmar are the so-called "race and religion" laws, which were adopted in 2015 and include the Monogamy Law, Population Control Law, Religious Conversion Law and Interfaith Marriage Law.¹⁷⁷ The stated aim with these bills is to improve living standards, including by ensuring quality health care and to protect women and children. However, these laws have been criticised for being highly discriminatory, in particular against minorities and women, and a violation to the Convention on the Rights of the Child (CRC) and the

GENOCIDE - RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUPS

Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), both of which Myanmar is a party to. There are also concerns that these laws add fuel to already existing tensions and serve as a legal framework for deepening discrimination against the Rohingya. Various human rights organisations, the UN Special Rapporteur and other special procedure mandate holders, such as the UN Special Rapporteur on minority issues, have repeatedly urged the government to review or repeal these laws.¹⁷⁸

History of atrocity crimes committed with impunity against protected groups

Indicator 9.3 refers to “history of atrocity crimes committed with impunity against protected groups”, which, as stated under Risk Factor 2 (see ‘Past violations’ and ‘Underlying factors fostering continued serious human rights abuses’), is the case in Myanmar. Myanmar is a country with a history of violations of international human rights and humanitarian law, including mass atrocity crimes, and little has been made to account for the crimes committed during the protracted armed conflict and former military regime. In fact, the government have still not publicly acknowledged past violations and the suffering they caused.¹⁷⁹

GENOCIDE - RISK FACTOR 10: SIGNS OF AN INTENT TO DESTROY IN WHOLE OR IN PART A PROTECTED GROUP

Risk Factor 10 is also concerned with indications of elements of the crime of genocide, examining “facts or circumstances that suggest an intent, by action or omission, to destroy all or in part of a protected group based on its national, ethnic, racial or religious identity, or the perception of this identity”. Several elements are present that indicates an intent to destroy the Rohingya, including the increasing number of reports of security forces targeting the Rohingya, widespread and systematic discriminatory practices against their lives, freedom and physical integrity, and policies that seriously affect the reproductive rights of Rohingya women. There is furthermore evidence of practices of violence against the Rohingya that reveal an intention to cause humiliation, fear or terror to fragment the group, with testimonies of sexual violence, disappearances, and brutal beatings and killings, as well as the destruction of homes, farms, businesses or other livelihoods of Rohingya people.

Targeted physical elimination of Rohingya a protected group

Since October last year there have been an increasing number of reports of security forces targeting the Rohingya people (see Risk Factor 2 ‘Present violations’), indicating the targeted physical elimination of the Rohingya, which could bring about the destruction of the group (indicator 10.2). These reports included extrajudicial killings, arbitrary arrests, torture, systematic rape, and the burning of Rohingya villages. UN officials have even described the actions against the Rohingyas as so severe that it is very likely to amount to ethnic cleansing.¹⁸⁰ Due to the lockdown to northern Rakhine the media, UN and other humanitarian organisations have very limited access, which has made it difficult to verify the allegations.¹⁸¹

The situation has further deteriorated since the Arakan Rohingya Salvation Army’s attacked the Myanmar security forces on the 25th of August this year. A recent report by Amnesty International describes how Myanmar’s security forces systematically target the Rohingya population in northern

GENOCIDE - RISK FACTOR 10: SIGNS OF AN INTENT TO DESTROY IN WHOLE OR IN PART A PROTECTED GROUP

Rakhine State in a ruthless campaign of organised violence and serious violations of human rights. According to Tirana Hassan, Crisis Response Director at Amnesty International, it is “an apparent attempt to permanently drive them out of the country”¹⁸². In September the UN Secretary General António Guterres and the UN Security Council publically called on the authorities of Myanmar to put an end to the excessive use of violence against the Rohingya population, which also they have described as systematic. Although the UN has not yet determined whether the violence against the Rohingyas meet the legal criteria for genocide, it is clear that there is evidence for indicator 10.2 of targeted physical elimination of the Rohingya.¹⁸³

Practices of violence against the Rohingya – an intention to cause humiliation, fear and terror

The above mentioned suffering inflicted on the Rohingya discloses evidence for indicator 10.5, namely “methods or practices of violence that are particularly harmful against or that dehumanise a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group”. Amnesty International and the OHCHR mission to Bangladesh have documented numerous of practices of violence against the Rohingyas, revealing an intention to cause fear as well as humiliation and terror. Their reports cite testimonies of sexual violence (including mass gang-rapes), disappearances, and brutal beatings and killings, including of young children and babies, conducted by Myanmar’s security forces. These testimonies further reveal that Rakhine villagers sometimes join the security forces and loot, beat and sexually abuse Rohingya people without the security forces attempting to stop them.¹⁸⁴

The testimonies in the report by the OHCHR mission to Bangladesh describe how rape is used as a form of torture, in order to punish women for supporting insurgents or not revealing where their male relatives or/and “insurgents” are. There have also been cases where women have been raped simply for being Rohingya. Rohingya women, including girls and toddlers, are also subjected to other forms of sexual violence, such as touching and/or exposing of private body parts, with the purpose of intimidating and humiliating them.¹⁸⁵

The report further contains documentation indicating an intention to impose fear and terror, with testimonies of Rohingyas being taken away and/or brutally beaten and killed. The testimonies includes accounts of Rohingya people, including children, being burnt, beaten or stabbed to death, often in front of family members.¹⁸⁶ There have also been numerous reports of enforced disappearances, where boys and men are targeted in particular. However, also women and girls of fertile age have been reported being taken away.¹⁸⁷

As already stated under Risk Factor 7 (see ‘Increased violations and discriminatory measures and legislation against the Rohingya’), the testimonies in this report also indicate that security forces destroy and plunder property and essential belongings of the Rohingyas. The destruction of houses, schools, shops and mosques, as well as clothing, money, food and other livelihoods belonging to Rohingya also reveal the presence of indicator 10.8, that is “attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property”.¹⁸⁸

Widespread and systematic discriminatory practices against the lives, freedom and physical integrity of the Rohingyas

Indicator 10.3 refers to “widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination”. As outlined under Risk Factor 9 (see ‘Past and present serious discrim-

GENOCIDE - RISK FACTOR 10: SIGNS OF AN INTENT TO DESTROY IN WHOLE OR IN PART A PROTECTED GROUP

inatory and exclusionary practices, policies and legislation against protected groups') and 7 (see 'Increased violations and discriminatory measures and legislation against the Rohingya') Rohingya people are subjected to both widespread and systematic discriminatory practices against their lives, freedom and physical integrity. The denial of citizenship, lack of documentation and limited freedom of movement has a detrimental impact on the Rohingya population, affecting their lives and freedom by severely limiting their access to health care, education, livelihood and other basic services such as food, water and sanitation.¹⁸⁹

Policies seriously affecting the reproductive rights of women

Under the previous risk factor discriminatory policies targeting the Rohingyas was outlined (see 'Past and present serious discriminatory and exclusionary practices, policies and legislation against protected groups'). In terms of past and present discriminatory, one of them is the 2005 two-child regulation that restricts Rohingya from having more than two children.¹⁹⁰ This regulation and the Population Control Law are policies that seriously affect the reproductive rights of women, which is what indicator 10.4 refers to. The Population Control Law is aimed at "improving living standards while alleviating poverty in the country; ensuring sufficient quality healthcare; and developing maternal and child health". However, several human rights organisations have criticised the law for lacking necessary safeguards against human rights violations, as for example violations of sexual and reproductive rights.¹⁹¹ This law establishes that there have to be at least a 36 months space after giving birth until a woman can have another child, which increases the risk of forced reproductive control methods, as for example, forces sterilisation or abortion.¹⁹² The lack of guidelines and oversight on how to implement the provisions of the law, together with the current climate of several discriminatory laws, policies and practices targeting minority groups, in particular the Rohingya, increase the risk of this law being used to target minority groups on a discriminatory basis.¹⁹³

CRIMES AGAINST HUMANITY - RISK FACTOR 11: SIGNS OF A WIDESPREAD OR SYSTEMATIC ATTACK AGAINST ANY CIVILIAN POPULATION

Risk Factor 11 is a specific risk factor relating to elements of crimes against humanity. More specifically, it looks at "signs of violent conduct including, but not limited to, attacks involving the use of force, against any civilian population and that suggest massive, large-scale and frequent violence (widespread), or violence with patterns of periodicity, similitude and organisation (systematic)". There are signs of patterns as well as an increase in violence against the civilian population, in particular ethnic minorities. Amnesty International has concluded that the violent acts carried out by the Myanmar security forces constitute crimes against humanity, and as evident from the above sections there is further evidence of atrocities amounting to genocide. The basic distinction between the two atrocity crimes lies in the objective of the act. The legally defined objective of 'crimes against humanity' pertains to the mass abuse of civilian individuals. Genocide on the other hand concerns itself with the objective to destroy in whole or in part a group, which is identified on the basis of religion, ethnicity, race and/or nationality.¹⁹⁴

As the atrocities against the Rohingyas has been described in the above section, which also demonstrate evidence constituting crimes against humanity, this section will focus on the alarming reports of severe violations and abuses by both the military and various armed groups against

CRIMES AGAINST HUMANITY - RISK FACTOR 11: SIGNS OF A WIDESPREAD OR SYSTEMATIC ATTACK AGAINST ANY CIVILIAN POPULATION

civilians from ethnic minorities in conflict torn Kachin and Shan States. These patterns of violence against the civilian population together with the army's use of methods of violence that does not distinguish between civilian and military targets indicates both a widespread and systematic use of force against civilians, in particular ethnic minority groups.

Signs of patterns and an increase in violence against civilian populations

There are alarming reports of severe violations and abuses against civilians from ethnic minorities in conflict torn Kachin and Shan States by both the military and various armed groups. Thus, there is evidence of indicator 11.1, namely, signs of patterns of violence against civilian populations. Violence against civilian populations is not a new feature in the protracted armed conflict in these states, however, there has been an increase in the number and scale of violent acts committed against civilian populations since mid-2016 as armed conflicts in Kachin and Shan States escalated again. Indicator 10.2 is thereby also discernible, which includes an increase "in the number, types, scale or gravity of violent acts committed against civilian populations".¹⁹⁵

A recent report by Amnesty International¹⁹⁶, based on three research missions conducted between March and May this year to Kachin and Shan States, contains details of Myanmar's military forces and various armed groups committing serious violations of the laws of war. During or in connection to military operations against ethnic armed groups the military often commit serious violations against ethnic and religious minorities, including extrajudicial executions, torture, ill-treatment, looting of property and indiscriminate shelling of, or near, civilian villages. During fighting in Monekoe in November last year civilians from ethnic minority groups were detained and used as human shields. While the military is responsible for most violations various armed groups are also guilty of serious abuses against civilians, such as indiscriminate firing into civilian areas, abductions, summary executions and forced recruitment, including forced recruitment of children. In addition to this, they sometimes move through civilian areas during combat or base themselves near villages, thereby putting civilians at risk.¹⁹⁷ Important to note is that although many civilians support the armed struggle of ethnic opposition groups and consider them as their protectors from the army, as mentioned under Risk Factor 4 (see "Us" and "them" – the salient divisions along religious and ethnic lines') most people live in fear of any armed group coming to their village.¹⁹⁸

Use of methods of violence that does not distinguishing between civilian and military targets

Indicator 11.8 concerns "signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets". The military frequently use mortar and artillery shells during fighting with ethnic armed groups, which often land in civilian areas. As a result civilians are killed and injured and their homes and other structures are damaged. The regularity of these incidents where civilians are harmed indicates that they are not sporadic and a sign of a development of use of methods that does not distinguishing between civilian and military targets, including the military not taking sufficient precautionary measures to minimise civilian harm. In fact, there have been incidents with the army firing artillery shells or mortars into civilian villages in Shan State even when they are not fighting with an armed group. Moreover, that ethnic armed groups sometimes moves through civilian areas during combat or base themselves near villages increase the risk of civilians being harmed.¹⁹⁹

CRIMES AGAINST HUMANITY - RISK FACTOR 12: SIGNS OF A PLAN OR POLICY TO ATTACK ANY CIVILIAN POPULATION

Risk Factor 12 looks further into elements of crimes against humanity and whether there are “facts or evidence suggestive of a State or organisational policy, even if not explicitly stipulated or formally adopted, to commit acts of violence directed against any civilian population”. Two indicators for Risk Factor 12 are evident, with evidence of policies and practices sanctioning unlawful attacks and killings of civilians (12.1) and the involvement of high-level military authorities in violent acts against civilians (12.10).

Policies and practices sanctioning indiscriminate attacks on civilians

Indicator 12.1 refers to “official documents, political manifestos, media records, or any other documentation through which the existence of a State or organisational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred”. An investigation made by the International Human Rights Clinic (IHRC) at Harvard Law School in 2014 identified military policies and practices at the operational-policy, tactical and enlisted soldier levels that have resulted in unlawful attacks and killings of civilians.²⁰⁰ Their findings also identified senior military officers and low-level soldiers that could be held responsible for crimes against humanity.²⁰¹ Thus, indicator 12.10 is also evident, which refers to the involvement of high-level military authorities in violent acts against civilians.

A number of policies that sanction indiscriminate attacks on civilians have been developed within the military structure at both operational-policy and tactical level, such as using geographic delineation in which there are different rules of engagement. Leaked military documents reveals that in certain areas the principle of distinction are explicitly rejected, with soldiers being instructed that everyone in a specific area are “enemies” and may be targeted even if there are factors suggesting that they are civilians not directly participating in hostilities. According to IHRC, this is a part of the military’s larger counterinsurgency policy aimed at clearing areas from “any humans, equipment, systems and functions that support enemies”^{202, 203}

In addition to this, there is a lack of accountability for military personnel attacking and abusing civilians in Myanmar’s opaque courts-martial system, as well as evidence of promotions of commanders following large military offensives with reports of wide-scale violations of international law.²⁰⁴ Although not explicitly stipulated or formally adopted these are incentive structures, which rewards rather than discourage violent attacks on civilian populations. This lack of accountability, together with the institutional culture that normalise targeting of civilians, further influence low-level soldiers on the enlisted soldier level in their decision to carry out attacks and/or abuse civilians.²⁰⁵

WAR CRIMES - RISK FACTOR 13: SERIOUS THREATS TO THOSE PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW

Risk Factor 13 refers to indications of war crimes, which only can take place in the context of an armed conflict. Thus, the indicators for Risk Factor 13 are aimed at identifying “conflict-related conduct that seriously threatens the life and physical integrity of those protected under humanitarian law”. Both the military and ethic armed groups are adopting measures that severely curtail the rights of civilians protected under international humanitarian law, such as wilful and extra-judicial killings, appropriation of property, torture and inhuman treatment. In addition to this, there is evidence of the indiscriminate use of force by the military, as well as indications of ethnicity being used as a determinant for allegiance to an armed group. An increasingly worrisome

WAR CRIMES – RISK FACTOR 13: SERIOUS THREATS TO THOSE PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW

trend is the significant deterioration in access for humanitarian organisations’ to civilian populations, which has devastating consequences for IDPs in the Kachin and Shan States dependent on humanitarian organisations providing them basic necessities.

Measures severely curtailing the rights of those protected under international humanitarian law

Indicator 13.6 refers to the “adoption of measures that severely curtail the rights of those protected under international humanitarian law, including those aligned or perceived as aligned with opposing parties but not taking active part in hostilities”. Civilians are protected under international humanitarian law, including civilians not taking direct part in hostilities²⁰⁶. As outlined under the previous risk factor (see ‘Signs of patterns and an increase in violence against civilian populations’), Myanmar’s military forces and various armed groups have attacked civilians from ethnic minorities in conflict torn Kachin and Shan States, and adopted measures that severely curtail the rights of civilians under international humanitarian law. There are reports of both the army and ethnic armed groups committing wilful and extrajudicial killings, appropriation of property, torture and inhuman treatment, all of which are rights of civilians protected under international humanitarian law. The army is furthermore responsible for extensive destruction, caused by indiscriminate shelling of, or near, civilian villages. Ethnic armed groups on the other hand have conducted forced recruitment, thereby breaking the laws of war by compelling protected persons to serve in the forces of a hostile power.²⁰⁷

In this context, it is important to note that although some of the civilian population support the ethnic armed groups with reserves (see Risk Factor 4 “‘Us” and “them” – the salient divisions along religious and ethnic lines’) they are still considered as civilians under international humanitarian law, as they are not taking direct part in hostilities, and are therefore protected.²⁰⁸

Ethnicity as a determinant of allegiance to a party of the conflict

Indicator 13.4 relates to “promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict”. Civilians, and men in particular, are being targeted in Kachin and Shan States by the military as they are assumed to be involved with an ethnic armed group.²⁰⁹ Moreover, the strong Burman nationalist sentiment within Myanmar’s military have resulted in a widespread prejudice among soldiers against people from other ethnic groups, which further add to the perception of ethnicity as a determinant for allegiance to an armed group.²¹⁰

Indiscriminate use of force

Indicator 13.13 includes the failure to take action to avoid launching attacks that allow the indiscriminate use of force, or to conduct military operations in heavily populated areas or to non-military targets. As outlined under Risk Factor 11 (see ‘Use of methods of violence that does not distinguish between civilian and military targets’) there is evidence of the military launching attacks that allow the indiscriminate use of force, as well as conducting military operations in heavily populated areas and on non-military targets. The regularity of incidents where civilians in Kachin and Shan States are killed and injured by mortar and artillery shells, which are frequently used by the military during fighting with ethnic armed groups, reveal that the military repeatedly launch attacks that allow the indiscriminate use of force. In addition to this, there have been incidents of the army firing artillery shells or mortars into civilian villages in Shan State even when they are not fighting with an armed group, demonstrating that the army conduct military operations on non-military targets.²¹¹

Indicator 13.13 also refers to rules of engagement that allow the indiscriminate use of force, which IHRC’s investigation have evidence of. They have been privy to leaked military documents revealing

WAR CRIMES - RISK FACTORS 13: SERIOUS THREATS TO THOSE PROTECTED UNDER INTERNATIONAL HUMANITARIAN LAW

that in certain areas the principle of distinction are explicitly rejected, and that soldiers have been instructed that everyone in a specific area are “enemies” and may be targeted even if there are factors suggesting that they are civilians not directly participating in hostilities (see Risk Factor 12 ‘Policies and practices sanctioning indiscriminate attacks on civilians’).²¹²

Restrictions on humanitarian access

The UN and other humanitarian organisations have raised concern over the significant deterioration in access to civilian populations in need of humanitarian aid in conflict areas (see also Risk Factor 6 ‘Limited cooperation with international organisations and their access to populations’). Thus, there is evidence for indicator 13.8, with conduct impeding delivery and access of humanitarian support indispensable to the survival of those protected under international humanitarian law.

Following the escalation in conflict last year in the Kachin and Shan States humanitarian organisations’ access to civilian populations have been increasingly restricted by military authorities to areas both within and beyond government control.²¹³ Also ethnic armed groups have been limiting humanitarian organisations’ access to civilian populations in areas under their control.²¹⁴ Although local civil society organisations continue to provide humanitarian support, they often have limited resources and capacity. This has devastating effects for civilians in these states, where there are around 100,000 IDPs dependent on humanitarian organisations providing them basic necessities.²¹⁵

The government however has questioned these numbers of IDPs, further stating the restrictions on access are due to a number of factors, such as diversion of aid.²¹⁶

WAR CRIMES - RISK FACTOR 14 : SERIOUS THREATS TO HUMANITARIAN OR PEACEKEEPING OPERATIONS

The final risk factor, Risk Factor 14, concerns “conflict-related conduct that threatens the protection provided by international humanitarian law to humanitarian assistance or peacekeeping personnel not directly taking part on hostilities”. There are currently no serious threats to humanitarian organisations operating in Myanmar. However, two indicators are present that denote inaction from the government and the military to cooperate with international humanitarian organisations, which together with the escalation of violence and tensions in Kachin and Shan States suggest that there could be an increased risk for humanitarian personnel. These are indicators 14.5 and 14.1, which concerns limitation of access for humanitarian organisations and perception of political interference by the broader international community.

Reluctance of collaborating with international organisations

Last year two incidents of humanitarian aid workers being attacked and injured were reported. Both attacks took place during March in Shan State by unknown assailants, injuring three Red Cross volunteers.²¹⁷ Overall, however, the likelihood of an attack on humanitarian personnel is low. Nonetheless, the presence of indicator 14.1 and 14.5, which indicates inaction from the government and the military to cooperate with international organisations, together with the escalation of violence and tensions in Rakhine, Kachin and Shan States suggest that there could be an increased risk for humanitarian personnel.

As mentioned under Risk Factor 3 (see ‘Inadequate internal mechanisms of oversight and accountability’) the UN Human Rights Council adopted a resolution in March this year in which they decided to

WAR CRIMES - RISK FACTOR 14: SERIOUS THREATS TO HUMANITARIAN OR PEACEKEEPING OPERATIONS

send an independent international fact-finding mission, with the purpose to investigate allegations against Myanmar's military and security forces of committing serious human rights violations.²¹⁸ Unfortunately, the government of Myanmar has distanced themselves from the resolution, with the government stating that they will not accept nor grant visas to members of a UN fact-finding mission. Also State Counsellor Suu Kyi has officially opposed the resolution, further stating that the government of Myanmar will only listen to the final report of the Advisory Commission on Rakhine State that is led by former UN Secretary General Kofi Annan, which was released in August this year. "We'll cooperate when [the commission report] comes out. And we will also take actions according to the report of the commission chaired by Vice President U Myint Swe"²¹⁹, said U Zaw Htay to the news agency The Irrawaddy.²¹⁹ The statements by the government of Myanmar, including State Counsellor Suu Kyi, indicates them perceiving the fact-finding mission as political interference by the international community (indicator 14.1), and the UN in particular. In fact, Kyaw Zeya, a permanent secretary at the Ministry of Foreign Affairs, has stated to Reuters "Why do they try to use unwarranted pressure when the domestic mechanisms have not been exhausted?"²²¹.

As outlined under the previous risk factor (see 'Restrictions on humanitarian access'), humanitarian organisations' access to civilian populations in need of humanitarian aid in conflict areas are limited due to restrictions by the military, and sometimes by ethnic armed groups. Thus, indicator 14.5 is present, with evidence of "interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel".

CONCLUSION AND RECOMMENDATIONS

From the above analysis, it is clear that the current risks of mass atrocity crimes occurring in Myanmar are very high. In fact, according to UN officials and various reports by humanitarian and human rights organisations, atrocity crimes have been, and are currently being, committed in Myanmar mainly by security forces against vulnerable populations including ethnic minority groups.

The framework states "the more risk factors (and the greater number of relevant indicators) that are present, the greater the risk that an atrocity crime may be committed".²²² The analysis of all eight common risk factors, including several indicators, demonstrates the presence of conditions that increase the risk of atrocity crimes. Arguably, of highest concern in terms of the common risk factors are risk factors 1, 2, 3, and 4, with nearly all indicators of each being met²²³. Especially problematic is the extended power guaranteed to the military in the 2008 Constitution, including the military not being under civilian control, which affects the government's capacity to influence the military to comply with human rights and international humanitarian law standards. Another worrisome sign is the construction of identity among ethnic and religious lines in Myanmar. The creation of identities in terms of "us" and "them" has resulted in an exclusionary ideology, which also serves as driver that justifies the use of violence against "the other", as demonstrated by the severe repression and human rights abuses faced by Myanmar's various minority groups, in particular the Muslim population.

More importantly, there are a number of indicators present for the specific risk factors, relating to crimes of genocide, crimes against humanity and war crimes. Several indicators relating to the risk the crime of genocide (Risk Factor 9 and 10) were identified, demonstrating an intent to destroy the

CONCLUSION AND RECOMMENDATIONS

Rohingya. There are evidence of security forces targeting the Rohingya, with reports of extrajudicial killings, arbitrary arrests, torture, systematic rape, and the burning of Rohingya villages, as well as widespread and systematic discriminatory practices against their lives, freedom and physical integrity.

The indicators found under Risk Factor 11, 12 and 13 demonstrates that Myanmar's military forces and various armed groups are committing crimes against humanity and war crimes in Kachin and Shan States. Myanmar's military forces and various armed groups have attacked civilians from ethnic minorities in conflict torn Kachin and Shan States, and adopted measures that severely curtail the rights of civilians under international humanitarian law. There are reports of both the army and ethnic armed groups committing wilful and extrajudicial killings, appropriation of property, torture and inhuman treatment, all of which are rights of civilians protected under international humanitarian law. The army is furthermore responsible of extensive destruction, caused by indiscriminate shelling of, or near, civilian villages. Ethnic armed groups on the other hand have conducted forced recruitment, thereby breaking the laws of war by compelling protected persons to serve in the forces of a hostile power. The military, and to some extent also ethnic armed groups, are furthermore restricting the delivery and access of humanitarian support indispensable to the survival of civilians, which are protected under international humanitarian law.

	RECOMMENDATIONS THE GOVERNMENT OF MYANMAR
1	The government has the primary responsibility to protect all populations in its territory, including the Rohingya in Rakhine State. Moreover, the government and its state institutions, as well as the armed ethnic groups in Myanmar, have a responsibility to comply with international humanitarian and human rights law, which include ensuring the protection of civilians.
2	Take immediate steps to end the violence in Rakhine, de-escalate the situation, re-establish law and order and ensure the protection of civilians, including the Rohingyas and other affected communities. The civilian government and the military should fully support the implementation of the Kofi Annan Advisory Commission's recommendations for long-term peace and stability in Rakhine state.
3	Allow for unimpeded access to civilians in need of humanitarian aid in northern Rakhine State.
4	Continue to give priority for a peaceful political settlement of the ethnic armed conflicts in Myanmar, pushing for a political dialogue with all ethnic armed groups. In this regard, 21st Century Panglong Conferences are crucial. The necessity of an inclusive process that allows the participation of all ethnic armed groups, including non-signatories to the NCA, cannot be stressed enough, not least as an effort to build trust between the conflicting parties. The NLD government should nonetheless continue to encourage all groups to sign the NCA.
5	Ensure the protection of minority populations and begin dialogue aimed at repealing discriminatory legislation as well as strengthening political and cultural rights of Myanmar's ethnic minorities. Serious attention need to be given to revise the 1982 Citizenship Law, which should be amended to provide minority groups in the country equal access to citizenship. Also the so-called four "race and religion laws" needs to be revised; with its provisions being extremely vague, lacking protection against discrimination and overall are inconsistent with Myanmar's obligations under international conventions and standards.
6	Continue efforts to repeal and amend repressive laws. This includes reviewing and amending local orders and policies that are discriminatory in both law and in practice. Serious consideration should be given in amending the Unlawful Associations Act, the Peaceful Assembly and Peaceful Procession Law, as well as the 2013 Telecommunications Law, which are currently being used for arbitrarily arrest and detention of people that are exercising their rights to freedom of expression and association

	RECOMMENDATIONS FOR THE GOVERNMENT OF MYANMAR
7	Further implement measures aimed at preventing hate speech, propaganda, and incitement to violence against minority groups in the country. In this regard, the composing of a new draft law countering hate speech, for which the State Counsellor has asked for advice from the international community, is a step in the right direction.
8	Special attention and measures are needed to address the root causes of conflict among the communities in Rakhine state. An example of such measures is the implementation and support of local conflict prevention processes, including programmes that promote and creates venues for interaction and dialogue between ethnic and religious/cultural groups.
9	Promote intercultural dialogue and peaceful reconciliation, including the establishment of programs and mechanisms dealing with identity-based tensions and conflicts in the country. A first step in terms of reconciliation should be to officially acknowledge the past and present abuses that the people of Myanmar have suffered. Official government programmes for transitional justice and reconciliation should be developed in collaboration with civil society actors that are working with these issues.
10	Ensure that members of the military that have committed serious crimes against civilians are brought to justice in civilian courts. As a preventive measure the military and security forces should be adequately trained in human rights protection and international humanitarian law.
11	Allow unrestricted access to UN bodies for verification of allegations of human rights violations and to humanitarian organisations for delivery of relief services to civilian populations, regardless of their identity and location in the country.
12	Fully cooperate with the UN Fact-Finding Mission that will be deployed to investigate the allegations of serious human rights violations.
13	Appoint a National R2P Focal Point to coordinate action on atrocities prevention in the country.
14	Develop existing complaint mechanisms for human rights violations. This includes the strengthening of Myanmar National Human Right Commission through adequate representation and training of the commissioners, as well as increased transparency, thorough investigations, witness/victim protection, and a system to make confidential complaints.

	RECOMMENDATIONS FOR REGIONAL ACTORS
1	ASEAN should step up and do more to respond to the atrocities being committed in Myanmar. Specifically, it should call out Myanmar as a member state of the regional organisation to abide by the ASEAN Charter's provisions on human protection and uphold its commitment to the international human rights and international humanitarian law principles. ASEAN should also use its existing mechanisms to engage with the civilian government and the military in Myanmar to put an end to violence and ensure the protection of the stateless Rohingyas and other ethnic minority groups.
2	China should continue to support the peace process in Myanmar, using its influence to encourage ethnic armed groups to join the peace talks. With regard to the crisis in Rakhine, China should restrain from the use of its veto powers in the UN Security Council in order for the international community to have consensus on an appropriate resolution that strongly condemns the atrocities being committed in Rakhine against all affected communities and holds into account the civilian government and the military in Myanmar.
3	ASEAN should continue to provide capacity-building assistance to Myanmar in the areas of border security, immigration, conflict prevention, and peacebuilding.
4	ASEAN should utilise the AICHR, ACWC, and AIPR to engage with Myanmar and encourage and assist the government to fulfil its responsibility to protect.
5	ASEAN should seriously consider activating the Troika mechanism and engage the government of Myanmar in a dialogue in response to the ongoing humanitarian crisis in Rakhine, Karen and Shan states.

	RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY
1	States have a responsibility to encourage and assist other states to uphold their responsibility to protect. Individual states should therefore develop a foreign policy practice – using tools such as dialogue, trade and development aid – that encourage and support Myanmar in strengthening their capacity to uphold human rights and international humanitarian law.
2	International partners, such as Australia, Japan, the EU and the US, should provide capacity building assistance to Myanmar's institutions and law enforcement agencies through education and training on human rights protection, inter-faith dialogue and community building, as well as countering hate speech.
3	The UN, ASEAN, EU and other bilateral partners, including individual states in their bilateral diplomatic relations with Myanmar, should continue to encourage Myanmar to fully cooperate with the UN Fact-Finding Mission.
4	It is crucial that the UN, ASEAN and other bilateral partners continue to provide assistance to the IDPs and refugees in the Bangladesh, Rakhine, Kachin and Shan state that are currently living in camps without adequate food, shelter, and health provisions. To put an end to the ongoing crisis these actors should further assist the central and state governments address the root causes of conflict among these communities.
5	The international community should continue to provide funding and support to NGO's and Civil Society Organisations at the local and grassroots level, which are assisting civilian populations in need of humanitarian aid and working to promote dialogue, reconciliation and human rights, as well as documenting violations of human rights and international humanitarian law.
6	The UN, ASEAN and other international organisations, together with individual states, scholars and NGOs with experience and expertise in reconciliation and transitional justice, should assist Myanmar in developing government programmes for transitional justice and reconciliation, sharing their knowledge and experience of best practices.
7	It is of high importance that the Security Council and General Assembly continue to address the issue of Myanmar, in particular the situation in the Rakhine, Kachin and Shan state, with regular briefings and participation of UN High Commissioner for Human Rights, Special Rapporteur and other relevant experts.
8	The UN, ASEAN and other bilateral partners should provide assistance to neighbouring states of Myanmar, in particular Bangladesh, India, Pakistan, Thailand, and Malaysia which are currently hosting a large number of refugees from Myanmar.

	RECOMMENDATIONS FOR CIVIL SOCIETY ACTORS
1	Civil society actors are in a unique position to play a positive role, as they most often have close ties to different ethnic groups and a deep understanding of local dynamics and their stakeholders. It is therefore crucial that they continue their important work in promoting as well as developing and implementing programmes and strategies for conflict-prevention, intercultural dialogue, inclusivity and reconciliation.
2	Civil society actors have a key role functioning as an intermediary between the government and non-state armed groups, and should continue to promote and support inter-faith and communal dialogue.
3	More civil society actors should engage with local and national authorities, offering to share their experiences and knowledge by providing advice and inputs on policy formation and draft laws.

END NOTES

1. United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations. pp.2-4. [online] Available at http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf, accessed 16 January 2017.
2. United Nations Department of Field Support. 2012. Map 'No. 4168 Rev. 3. [online] Available at <http://www.un.org/Depts/Cartographic/map/profile/myanmar.pdf>, accessed 16 January 2017.
3. Insight on Conflict. 2014. Myanmar: Conflict profile. Peace Direct. [online] Available at <https://www.insightonconflict.org/conflicts/myanmar/conflict-profile/>, accessed 23 February 2017; Bellamy, Alex. (2017). 'Chapter 8: At the Crossroads: Myanmar', East Asia's Other Miracle: Explaining the Decline of Mass Atrocities Oxford University Press.
4. See for example: United Nations General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, 18 March 2016, p.11. [online] Available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/71, accessed 23 February 2017; Strasser, Fred. 2016. Myanmar Peace Process: Slow Progress, Delicate Steps. United States Institute for Peace, 10 November 2016. [online] Available at <https://www.usip.org/publications/2016/11/myanmar-peace-process-slow-progress-delicate-steps>, accessed 4 March 2017; Uppsala Conflict Data Program. 2017. Myanmar (Burma). UCDP Conflict Encyclopedia, Uppsala University. [online] Available at <http://ucdp.uu.se/#country/775>, accessed 23 February 2017; Aljazeera Media Network. 2016. Report: Northern Myanmar rebel clashes turn deadly. 8 December 2016. [online] Available at <http://www.aljazeera.com/news/2016/12/report-northern-myanmar-rebel-clashes-turn-deadly-161208052936206.html>, accessed 9 March 2017; International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.4. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.
5. Horsey, Richard. 2016. Reality Bites for Aung San Suu Kyi Amid Surging Violence. International Crisis Group, 15 October 2016. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/reality-bites-aung-san-suu-kyi-amid-surging-violence>, accessed 23 February 2017; Combs, Daniel. 2017. Why the NLD Victory Hasn't Meant Much for Myanmar's Ethnic Tensions. The Diplomat, 28 January 2017. [online] Available at <http://thediplomat.com/2017/01/why-the-nld-victory-hasnt-meant-much-for-myanmars-ethnic-tensions/>, accessed 9 March 2017; Htsdan, Esther. 2017. Myanmar military calls for ethnic rebels to join peace talks. The Associated Press, 7 March 2017. [online] Available at <https://www.stripes.com/news/pacific/myanmar-military-calls-for-ethnic-rebels-to-join-peace-talks-1.457431#>. WMDmNhKLRp9, accessed 9 March 2017; International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.1. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.
6. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.1. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017; Horsey, Richard. 2016. Reality Bites for Aung San Suu Kyi Amid Surging Violence. International Crisis Group, 15 October 2016. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/reality-bites-aung-san-suu-kyi-amid-surging-violence>, accessed 23 February 2017; Southwick, Katherine. A turning point in the Rohingya crisis. New Mandala, 3 March 2017. [online] Available at <http://www.newmandala.org/turning-point-rohingya-crisis/>, accessed 9 March 2017; Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017; UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar>, accessed on 29 October 2017.
7. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2017, p.12; International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.5. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.
8. Strasser, Fred. 2016. Myanmar Peace Process: Slow Progress, Delicate Steps. United States Institute for Peace, 10 November 2016. [online] Available at <https://www.usip.org/publications/2016/11/myanmar-peace-process-slow-progress-delicate-steps>, accessed 23 February 2017.
9. Including the Restoration Council of Shan State, Karen National Union, Pa-O National Liberation Organisation, Chin National Front, All Burma Students' Democratic Front, Democratic Karen Benevolent Army, Arakan Liberation Party, and the Karen Peace Council. (Source: <http://www.elevenmyanmar.com/politics/6605>, accessed 7 March 2017)
10. Ganesan, N. 2015. Ethnic Insurgency and the Nationwide Ceasefire Agreement in Myanmar. Asian Journal of Peacebuilding, vol. 3, no. 2, p.281.
11. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.3, 9. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.

END NOTES

- [east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue](#), accessed 23 February 2017; Hlaing Lynn, Nyan, and Slow, Oliver. 2017. 'Panghsang Allies' to meet Daw Suu on Panglong sidelines. The Frontier Myanmar, 25 May 2017. [online] Available at <https://frontiermyanmar.net/en/panghsang-allies-to-meet-daw-suu-on-panglong-sidelines>, accessed 12 August 2017; Hlaing Lynn, Nyan, and Slow, Oliver. 2017. Mixed results at latest Panglong peace conference. The Frontier Myanmar, 30 May 2017. [online] Available at <https://frontiermyanmar.net/en/mixed-results-at-latest-panglong-peace-conference>, accessed 12 August 2017.
12. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, pp.1-2, 13-14. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017; Dapice, David. 2017. Myanmar: Looking In and Facing Out. Tea Circle, 26 June 2017. [online] Available at <https://teacircleoxford.com/2017/06/26/myanmar-looking-in-and-facing-out/>, accessed 12 August 2017.
13. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.3, 9. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.
14. UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar> accessed on 29 October 2017.
15. United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, pp.3, 5, 12-13. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017
16. Ibid.
17. Ian Holliday, 2012. Burma Redux: Global Justice and the Quest for Political Reform in Myanmar. New York: Columbia University Press, p.1; Fisher, Jonah. 2015. Myanmar's 2015 landmark elections explained. BBC News, 3 December 2015. [online] Available at <http://www.bbc.com/news/world-asia-33547036>, accessed 23 March 2017.
18. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.57; Fisher, Jonah. 2015. Myanmar's 2015 landmark elections explained. BBC News, 3 December 2015. [online] Available at <http://www.bbc.com/news/world-asia-33547036>, accessed 23 March 2017; International Center for Transitional Justice. 2009. Impunity Prolonged: Burma and its 2008 Constitution. New York, September 2009. [online] available at: <https://www.ictj.org/publication/impunity-prolonged-burma-and-its-2008-constitution>, accessed 31 March 2017.
19. Holmes, Oliver. 2016. Myanmar Swears in Htin Kyaw as First Civilian President in Decades. The Guardian, 30 March 2016. [online] Available at <https://www.theguardian.com/world/2016/mar/30/myanmar-swears-in-htin-kyaw-as-first-civilian-president-in-decades>, accessed 31 March 2017.
20. Holmes, Oliver. 2016. Aung San Suu Kyi set to get PM-type role in Myanmar governments. The Guardian, 1 April 2016. [online] Available at <https://www.theguardian.com/world/2016/apr/01/aung-san-suu-kyi-set-to-get-pm-type-role-in-myanmar-government>, accessed 31 March 2017
21. Holmes, Oliver. 2016. Aung San Suu Kyi set to get PM-type role in Myanmar governments. The Guardian, 1 April 2017. [online] Available at <https://www.theguardian.com/world/2016/apr/01/aung-san-suu-kyi-set-to-get-pm-type-role-in-myanmar-government>, accessed 2 May 2017; Senior General Min Aung Hlaing. 2016. Senior General Min Aung Hlaing addresses Tatmadaw Central Steering Organizing Committee meeting. Senior General Min Aung Hlaing official facebook page, 12 November 2016. [online] Available at <https://www.facebook.com/seniorgeneralminaugnhlaing/posts/1104604372907383:0>, accessed 31 March 2017.
22. Human Rights Watch. 2017. Letter by Human Rights Watch to EU leaders ahead of Aung San Suu Kyi's visit to Brussels. Brussels, 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed on 30 April 2017.
23. Farrelly, Nicholas. 2016. Myanmar's conflicted politics. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS "Yusof Ishak Institute, p.6.
24. Pritchard, Ashely. 2016. Chapter 1: Introduction. In: Tantikanangkul, Walaiporn, and Pritchard, Ashley, (eds.) Politics of Autonomy and Sustainability in Myanmar. Springer Singapore, Volume 1, pp.8-9; Kyu, Myint Myint. 2016. Chapter 2: Kokang: The rise of the Chinese Minority – the new neo-liberal state?. In: Tantikanangkul, Walaiporn, and Pritchard, Ashley, (eds.) Politics of Autonomy and Sustainability in Myanmar. Springer Singapore, Volume 1, p.13.
25. Pritchard, Ashely. 2016. Chapter 1: Introduction. In: Tantikanangkul, Walaiporn, and Pritchard, Ashley, (eds.) Politics of Autonomy and Sustainability in Myanmar. Springer Singapore, Volume 1, p.8; The World Bank 2016. Myanmar Overview. September 2016. [online] Available at <http://www.worldbank.org/en/country/myanmar/overview>, accessed 31 March 2017.
26. The World Bank. 2017. Statistical Capacity Indicator Dashboard. [online] Available at <http://datatopics.worldbank.org/statisticalcapacity/SCIdashboard.aspx>, accessed 31 March 2017; Maierbrugger, Arno. Black economy in Myanmar on the rise since country's opening. Gulf Times, 11 September 2015. [online] Available at <http://www.gulf-times.com/story/454616/Black-economy-in-Myanmar-on-the-rise-since-country>, accessed 31 March 2017.

END NOTES

27. Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., p.59.
28. IMF Communications Department <http://www.imf.org/en/News/Articles/2017/02/02/PR1733-Myanmar-IMF-Executive-Board-Concludes-2016-Article-IV-Consultation> , accessed on the 31 March 2017
29. International Monetary Fund. 2017. Myanmar: Staff Report for the 2016 Article IV Consultation. IMF Country Report No. 17/30, Washington DC. p.4, 6. [online] Available at <http://www.imf.org/en/Publications/CR/Issues/2017/02/02/Myanmar-2016-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-44612> , accessed 5 April 2017.
30. Ibid. p.4, 6
31. Zoryga, Sergiy. 2016. Unleashing Myanmar's agricultural potential. The World Bank, 27 May 2016. [online] Available at <http://blogs.worldbank.org/eastasiapacific/unleashing-myanmar-agricultural-potential> , accessed 31 March 2017; Export.gov. 2016. Burma – Agriculture. The International Trade Administration, U.S. Department of Commerce, 30 June 2016. [online] Available at <https://www.export.gov/apex/article2?id=Burma-Agriculture> , accessed 31 March 2017.
32. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: *East Asia's Other Miracle: Explaining the Decline of Mass Atrocities*. Oxford University Press; Malhotra, Kulbhushan. 1991. Chapter V: Ethnic Conflict and Problems of Insurgency. In: *Malhotra, Kulbhusha, Burma under military rule: the role of the Burma socialist programme party*. Jawaharlal Nehru University, 16 January 2014, pp.120-121. [online] Available at http://shodhganga.inflibnet.ac.in/bitstream/10603/15133/10/10_chapter%205.pdf , accessed 31 March 2017.
33. Malhotra, Kulbhushan. 1991. Chapter V: Ethnic Conflict and Problems of Insurgency. In: *Malhotra, Kulbhusha, Burma under military rule: the role of the Burma socialist programme party*. Jawaharlal Nehru University, 16 January 2014, pp.120-121. [online] Available at http://shodhganga.inflibnet.ac.in/bitstream/10603/15133/10/10_chapter%205.pdf , accessed 31 March 2017; Kipgen, Nehginpao. 2016. *Democratisation of Myanmar*. New Delhi: Routledge, pp. 27-28; Sakhong, Lian H. 2012. *The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma*. Burma Centre for Ethnic Studies, Peace and Reconciliation, Analysis Paper No.1, January 2012, p.2. [online] Available at [http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics\(en\).pdf](http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics(en).pdf) , accessed 31 March 2017; Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., p.37.
34. Sakhong, Lian H. 2012. *The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma*. Burma Centre for Ethnic Studies, Peace and Reconciliation, Analysis Paper No.1, January 2012, p.2. [online] Available at [http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics\(en\).pdf](http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics(en).pdf) , accessed 31 March 2017.
35. Pritchard, Ashely. 2016. Chapter 1: Introduction. In: *Tantikanangkul, Walaiporn, and Pritchard, Ashley, (eds.) Politics of Autonomy and Sustainability in Myanmar*. Springer Singapore, Volume 1, p.9.
36. United Nations Office for the Coordination of Humanitarian Affairs. 2017. *Humanitarian Needs Overview: Myanmar*. United Nations Humanitarian Country Team, December 2016, p.5. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf , accessed 6 April 2017; Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., p.57; Myanmar. 2008. *Constitution of the Republic of the Union of Myanmar*. Ch XIII. Art.345.
37. Human Rights Watch. *Malaysia/Burma: Living in Limbo Burmese Rohingyas in Malaysia*. Vol. 12, No.4, August 2000. [online] Available at https://www.hrw.org/reports/2000/malaysia/maybr008-01.htm#P251_41369 , 31 March 2017; Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., p.57.
38. Lorch, Jasmin & Roepstorff, Kristina. 2013. *Myanmar's Peace Process: The Importance of Federal Reforms and an Inclusive National Dialogue*. German Institute for International and Security Affairs, September 2013. p.1. [online] Available at https://www.swp-berlin.org/fileadmin/contents/products/comments/2013C29_lrc_rps.pdf , accessed 5 April 2017; Chaturvedi, Medha. 2012. *Myanmar's Myanmar's Ethnic Divide: The Parallel Struggle*. Institute of Peace and Conflict Studies (IPCS), IPCS Special Report 131, August 2012. p.4. [online] Available at http://www.ipcs.org/pdf_file/issue/SR131-SEARP-Medha.pdf , accessed 6 April 2017.
39. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: *East Asia's Other Miracle: Explaining the Decline of Mass Atrocities*. Oxford University Press
40. Aung-Thwin, Michael, Aung-Thwin. 2012. *A history of Myanmar since ancient times: Traditions and transformation*. London: Reaktion Books, p.238
41. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: *East Asia's Other Miracle: Explaining the Decline of Mass Atrocities*. Oxford University Press; Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., pp.35-36.
42. Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., p.35.
43. For more detailed information regarding the 1982 Citizenship Law and the denial of citizenship to Rohingyas see Human Rights Watch. 2000. III. *Discrimination in Arakan*. In *Human Rights Report on BURMA/BANGLADESH: Burmese refugees in Bangladesh – Still no durable Solution*. Vol. 12., No 3, May 2000. [online] Available at <https://www.hrw.org/reports/2000/burma/burm005-02.htm> , accessed 18 April 2017
44. Azeem, Ibrahim. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*. London: C. Hurst and Co., pp.51-52.

END NOTES

45. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: East Asia's Other Miracle: Explaining the Decline of Mass Atrocities. Oxford University Press; Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.35.
46. International Coalition for the Responsibility to Protect. 2017. The Crisis in Burma. [online] Available at <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-burma>, accessed 13 April 2017.
47. Network for Human Rights Documentation – Burma. 2015. To recognize and repair: Unofficial truth projects in need for justice in Burma. April 2015. [online] Available at <http://nd-burma.org/to-recognize-and-repair/>, accessed 13 April 2017.
48. United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations. p.11. [online] Available at http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf, accessed 16 January 2017.
49. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017.
50. Nichols, Michelle. 2017. U.N. chief, Security Council call on Myanmar to end violence. Reuters, 13 September 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya/u-n-chief-security-council-call-on-myanmar-to-end-violence-idUSKCN1B00B1>, accessed 29 October 2017.
51. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017; Ta'ang Women's Organization (TWO). 2016. Trained to torture: Systematic war crimes by the Burma Army in Ta'ang areas of northern Shan State. [online] Available at http://en.palaungwomen.com/reports/Trained%20to%20Torture%20-%20English_for%20Web.pdf, accessed 18 April 2017.
52. Security forces includes the military, Border Guard Forces, militia and police
53. Human Rights Watch. 2017. Burma: UN Takes Key Step for Justice. 24 March 2017. [online] Available at <https://www.hrw.org/news/2017/03/24/burma-un-takes-key-step-justice>, accessed 18 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017; Human Rights Watch. 2017. Aung San Suu Kyi's visit to Brussels and human rights in Burma. 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed 18 April 2017.
54. England, Charlotte. 2017. Burmese government denies ongoing genocide of Rohingya Muslims. Independent (online), 4 January 2017. [online] Available at <http://www.independent.co.uk/news/world/asia/burma-government-rohingya-muslims-aung-san-suu-kyi-genocide-massacre-rape-minority-myanmar-a7508761.html>, accessed 18 April 2017; Killalea, Debra. 2017. Myanmar Rohingya crisis: The horror the world isn't watching. News.com.au, 10 February 2017. [online] Available at <http://www.news.com.au/world/asia/myanmar-rohingya-crisis-the-horror-the-world-isn-t-watching/news-story/9e81d9a71d8db5a3edea67501e37a4ff>, accessed 18 April 2017; Human Rights Watch. 2017. Aung San Suu Kyi's visit to Brussels and human rights in Burma. 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed 18 April 2017.
55. Gramer, Robbie. Gruesome New Details on The Ethnic Cleansing in Myanmar No One Is Talking About. Foreign Policy.com, 3 February 2017. [online] Available at http://foreignpolicy.com/2017/02/03/gruesome-new-details-on-the-ethnic-cleansing-in-myanmar-no-one-is-talking-about/?utm_content=bufferae9ae&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer, accessed 18 April 2017.
56. UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar>, accessed on 29 October 2017; Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.
57. Avezuela, Antolín. 2017. Citizenship for a few, rights for none: the Rohingya in Myanmar. Equal Time, 24 July 2017. [online] Available at <https://www.equaltimes.org/citizenship-for-a-few-rights-for?lang=en#.WhexALOWZhF>, accessed 15 August 2017.
58. Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017.
59. Seekins, Donald M. 2017. Historical Dictionary of Burma (Myanmar). Rowman & Littlefield, p.289; MacGregor, Fiona. 2016. Why were Kaman Muslim deaths ignored?. Myanmar Times, 6 May 2016. [online] Available at <http://www.mmmtimes.com/index.php/opinion/20164-why-were-kaman-muslim-deaths-ignored.html>, accessed 13 August 2017.
60. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.57; Fisher,

END NOTES

- Jonah. 2015. Myanmar's 2015 landmark elections explained. BBC News, 3 December 2015. [online] Available at <http://www.bbc.com/news/world-asia-33547036>, accessed 23 March 2017; International Center for Transitional Justice. 2009. Impunity Prolonged: Burma and its 2008 Constitution. New York, September 2009. [online] Available at: <https://www.ictj.org/publication/impunity-prolonged-burma-and-its-2008-constitution>, accessed 31 March 2017.
61. Statement by Ms. Yangheee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017; Non-governmental organisations' Joint Statement. Non-governmental organisations collectively call for immediate cessation of armed conflict and protection of civilians in Kachin and Northern Shan States, Myanmar. Yangon, 25 January 2017. [online] Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Joint%20NGO%20Statement%20on%20Kachin%26Shan%2025012017.pdf>, accessed 14 June 2017.
62. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017.
63. Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017.
64. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.3. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017; Perlez, Jane. 2016. Myanmar's Leader Faulted for Silence as Army Campaigns Against Rohingya. The New York Times (online), 1 December 2016. [online] Available at <https://www.nytimes.com/2016/12/01/world/asia/myanmars-leader-faulted-for-silence-as-army-campaigns-against-rohingya.html?action=click&contentCollection=Asia%20Pacific&module=RelatedCoverage®ion=Marginalia&pgtype=article>, 13 April 2017.
65. E.g. the 1975 State Protection Act and the 1950 Emergency Provisions Act.
66. United Nations. 2017. Situation of human rights in Myanmar. United Nations General Assembly, Draft Resolution, 22 March 2017, A/HRC/34/L.8/Rev.1, p.4. [online] Available at <https://documents.un.org/prod/ods.nsf/xpSearchResultsM.xsp>, accessed on 26 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017.
67. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017; International Center for Transitional Justice. 2009. Impunity Prolonged: Burma and its 2008 Constitution. New York, September 2009, p.2, 29, 72. [online] Available at <https://www.ictj.org/publication/impunity-prolonged-burma-and-its-2008-constitution>, accessed 31 March 2017; Amnesty International. 2017. Myanmar: "All the civilians suffer": Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.8. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017.
68. Human Rights Watch. 2017. Letter by Human Rights Watch to EU leaders ahead of Aung San Suu Kyi's visit to Brussels. Brussels, 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed on 30 April 2017.
69. For more detailed information on efforts taken by the government see the Draft Resolution Situation of human rights in Myanmar. Human Rights Council, 22 March 2017, A/HRC/34/L.8/Rev.1, p.4. [online] Available at <http://www.burmalibrary.org/docs23/A-HRC-34-L.8-Rev.1.pdf>, accessed on 26 April 2017.
70. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.14. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.
71. Cable, Olivia. 2016. Olivia Cable: Myanmar's military marches on, for now. Nikkei Asian Review, 2 April 2016. [online] Available at <https://asia.nikkei.com/Viewpoints-archive/Viewpoints/Olivia-Cable-Myanmar-s-military-marches-on-for-now>, accessed 2 September 2017.
72. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.6. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.
73. National League for Democracy. 2015. National League for Democracy: 2015 Election Manifesto. [online] Available at http://www.burmalibrary.org/docs21/NLD_2015_Election_Manifesto-en.pdf, accessed 2 September 2017.
74. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.3, 9. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017; Hlaing Lynn,

END NOTES

- Nyan, and Slow, Oliver. 2017. 'Panghsang Allies' to meet Daw Suu on Panglong sidelines. The Frontier Myanmar, 25 May 2017. [online] Available at <https://frontiermyanmar.net/en/panghsang-allies-to-meet-daw-suu-on-panglong-sidelines>, accessed 12 August 2017; Hlaing Lynn, Nyan, and Slow, Oliver. 2017. Mixed results at latest Panglong peace conference. The Frontier Myanmar, 30 May 2017. [online] Available at <https://frontiermyanmar.net/en/mixed-results-at-latest-panglong-peace-conference>, accessed 12 August 2017.
75. Network for Human Rights Documentation – Burma. 2015. To recognize and repair: Unofficial truth projects in need for justice in Burma. April 2015. [online] Available at <http://nd-burma.org/to-recognize-and-repair/>, accessed 13 April 2017.
76. The ICTJ provides technical assistance to Myanmar's civil society in its effort to incorporate transitional justice into the reform process.
77. International Center for Transitional Justice. 2017. Myanmar. [online] Available at <https://www.ictj.org/our-work/regions-and-countries/burmamyanmar>, accessed 30 April 2017.
78. Walton, Matthew J. 2016. Lessons from Panglong (Part II). Tea Circle Oxford, 25 June 2016. [online] Available at <https://teacircleoxford.com/2016/06/25/lessons-from-panglong-part-ii/>, accessed 2 September 2017.
79. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.1, 3. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017; International Center for Transitional Justice. 2017. Myanmar. [online] Available at <https://www.ictj.org/our-work/regions-and-countries/burmamyanmar>, accessed 30 April 2017.
80. Network for Human Rights Documentation – Burma. 2017. Report on the human rights situation in Burma: January – December 2016. 8 February 2017, p.13- [online] Available at <http://nd-burma.org/nd-burma-2016-report-finds-dramatic-increase-human-rights-violations/>, accessed 30 April 2017.
81. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.8. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017; Network for Human Rights Documentation – Burma. 2015. To recognize and repair: Unofficial truth projects in need for justice in Burma. April 2015. [online] Available at <http://nd-burma.org/to-recognize-and-repair/>, accessed 13 April 2017; UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.17.
82. UN General Assembly. 2017. UN Human Rights Council. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.19.
83. For a more detailed information on the Special Rapporteur's recommendations on legislation in need of reform see Annex to the Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2017, p.22ff.
84. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.2, 19.
85. Ibid, p.4.
86. Human Rights Watch. 2008. Vote to nowhere: the May 2008 Constitutional Referendum in Burma. 30 April 2008. [online] Available at <https://www.hrw.org/report/2008/04/30/vote-nowhere/may-2008-constitutional-referendum-burma>, accessed 19 May 2017.
87. UN Human Rights Council's Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2017, p.4.
88. UN Human Rights Office of the High Commissioner. 2017. Status of Ratification Interactive Dashboard. [online] Available at <http://indicators.ohchr.org/>, accessed 19 May 2017.
89. UN General Assembly. 2017. UN Human Rights Council. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.25.
90. Selth, Andrew. 2014. 'Police Reform and the 'Civilianisation' of Security in Myanmar'. In M. Crouch & T. Lindsey (Eds.). Law, Society and Transition in Myanmar. London: Hart Publishing, pp.275-276.
91. Douglas, Jeremy. 2016. Myanmar's plan for police reform is an opportunity for the international community. Myanmar Times, 29 August 2016. [online] available at <http://www.mmtimes.com/index.php/opinion/22194-myanmar-s-plan-for-police-reform-is-an-opportunity-for-the-international-community.html>, accessed 19 May 2017.
92. Wong, May. 2016. Myanmar to reform police force following UN report. Channel News Asia, 16 May 2016. [online] Available at <http://www.channelnewsasia.com/news/asiapacific/myanmar-to-reform-police-force-following-un-report-8023598>, accessed 19 May 2017; Douglas, Jeremy. 2016. Myanmar's plan for police reform is an opportunity for the international community. Myanmar Times, 29 August 2016. [online] Available at <http://www.mmtimes.com/index.php/opinion/22194-myanmar-s-plan-for-police-reform-is-an-opportunity-for-the-international-community.html>, accessed 19 May 2017.
93. For examples of further actions to strengthen the judiciary, see the recommendations made in the Report of the Special Rapporteur on the situation of human rights in Myanmar, A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2017, p.4; UN General Assembly. 2017. UN Human Rights Council. Report of the Special Rapporteur on

END NOTES

the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, pp.4-5.

94. MNHRC. 2018. Mandate. Republic of the Union of Myanmar: Myanmar National Human Rights Commission. [online] Available at <http://www.mnhrc.org.mm/en/about/mandate/>, accessed 19 May 2017.

95. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.5. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.

96. Bunte, Marco, and Dressel, Björn. 2016. Politics and Constitutions in Southeast Asia. Routledge, Taylor & Francis Group, LONDON and NEW YORK, pp. 175-176.

97. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.4.

98. Transparency International. 2017. Corruption Perceptions Index 2016. [online] Available at https://www.transparency.org/news/feature/corruption_perceptions_index_2016, accessed 19 May 2017.

99. Freedom House. 2017. Freedom in the World 2017: Myanmar. [online] Available at <https://freedomhouse.org/report/freedom-world/2017/myanmar>, accessed 12 May 2017.

100. Srirak Transparency International. 2017. Corruption Perceptions Index 2015. [online] Available at <https://www.transparency.org/cpi2015/>, accessed 19 May 2017.

101. The World Bank. 2017. Data Bank: Worldwide Governance Indicators. [online] Available at <http://databank.worldbank.org/data/reports.aspx?source=Worldwide-Governance-Indicators>, accessed 19 May 2017; The World Bank. 2017. World Wide Governance Indicators. [online] Available at <http://info.worldbank.org/governance/wgi/#reports>, accessed 19 May 2017; Hendrix, Cullen and Noland, Marcus. 2015. Myanmar: Cross-cutting governance challenges. ADB Economics working paper series, No.428, March 2015, p.8. [online] Available at <https://www.adb.org/sites/default/files/publication/156948/ewp-428.pdf>, accessed 19 May 2017.

102. Percentile rank indicates the country's rank among all countries covered by the aggregate indicator, with 0 corresponding to lowest rank, and 100 to highest rank.

103. International Center for Transitional Justice. 2009. Impunity Prolonged: Burma and its 2008 Constitution. New York, September 2009, p.28. [online] Available at <https://www.ictj.org/publication/impunity-prolonged-burma-and-its-2008-constitution>, accessed 31 March 2017.

104. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.5. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.

105. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017.

106. Advisory Commission on Rakhine State. 2017. Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State. August 2017. [online] Available at http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf, accessed 2 September 2017.

107. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.1, 3. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.

108. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.11.

109. International Center for Transitional Justice. 2017. Myanmar. [online] Available at <https://www.ictj.org/our-work/regions-and-countries/burmayanmar>, accessed 30 April 2017.

110. International Tribunal on Myanmar. 2017. About. [online] Available at <http://tribunalonmyanmar.org/about/>, accessed 20 May 2017.

111. UN Human Rights Council. 2017. Human Rights Council decides to dispatch a fact-finding mission to Myanmar to establish facts on violations, especially in Rakhine State. 24 March 2017. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21443&LangID=En>, accessed 20 May 2017.

112. Emmott, Robin. 2017. Myanmar, EU at odds over Rohingya rights mission. Reuters, 2 May 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya-eu/myanmar-eu-at-odds-over-rohingya-rights-mission-idUSKBN17Y1UM>, accessed 20 May 2017; Ives, Mike. 2017. Myanmar Vows to Block U.N. Investigators From Entering. New York Times (online), 30 June 2017. [online] Available at <https://www.nytimes.com/2017/06/30/world/asia/myanmar-united-nations-rohingya.html>, accessed 3 June 2017.

113. Statement by Ms. Yanghee Lee. 2017. Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 34th session of the Human Rights Council. 13 March 2017, Geneva. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21355&LangID=E>, accessed 18 April 2017.

114. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/

END NOTES

- HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.12.
115. Strasser, Fred. 2016. Myanmar Peace Process: Slow Progress, Delicate Steps. United States Institute for Peace, 10 November 2016. [online] Available at <https://www.usip.org/publications/2016/11/myanmar-peace-process-slow-progress-delicate-steps>, accessed 23 February 2017; International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, p.4. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 23 February 2017.
116. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.59; South, Ashely. 2008. Ethnic Politics in Burma: States of Conflict. Routledge, London and New York, pp.121-28.
117. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.18.
118. Hon. Thomas H. Andrews and Daniel Sullivan. 2016. Marching to Genocide in Burma: Fueled by Government Action and a Systematic Campaign of Hate Aided and Abetted by the Diverted Eyes of the World. United to End Genocide, 24 March 2014, pp. 4-5.
119. Welsh, Bridget and Huang, Kai-Ping. 2016. Public Perceptions of a Divided Myanmar. Findings from the 2015 Myanmar Asian Barometer Survey. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS—Yusof Ishak Institute, p.262.
120. Ibid, pp.267-269, 274.
121. Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, pp.52-53.
122. Kipgen, Nehginpao. 2016. Democratisation of Myanmar. New Delhi: Routledge, pp. 27-28; Sakhong, Lian H. 2012. The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma. Burma Centre for Ethnic Studies, Peace and Reconciliation, Analysis Paper No.1, January 2012, p.2. [online] Available at [http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics\(en\).pdf](http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics(en).pdf), accessed 31 March 2017; Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.37; Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: East Asia's Other Miracle: Explaining the Decline of Mass Atrocities. Oxford University Press ; Lorch, Jasmin and Roepstorff, Kristina. 2013. Myanmar's Peace Process: The Importance of Federal Reforms and an Inclusive National Dialogue. German Institute for International and Security Affairs, September 2013. p.1. [online] Available at https://www.swp-berlin.org/fileadmin/contents/products/comments/2013C29_lrc_rps.pdf, accessed 5 April 2017; Welsh, Bridget and Huang, Kai-Ping. 2016. Public Perceptions of a Divided Myanmar. Findings from the 2015 Myanmar Asian Barometer Survey. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS—Yusof Ishak Institute, pp.262.
123. Chaturvedi, Medha. 2012. Myanmar's Ethnic Divide: The Parallel Struggle. Institute of Peace and Conflict Studies (IPCS), IPCS Special Report 131, August 2012. p.4. [online] Available at http://www.ipcs.org/pdf_file/issue/SR131-SEARP-Medha.pdf, accessed 6 April 2017.
124. Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, pp.58-60; Lorch, Jasmin and Roepstorff, Kristina. 2013. Myanmar's Peace Process: The Importance of Federal Reforms and an Inclusive National Dialogue. German Institute for International and Security Affairs, September 2013. p.1. [online] Available at https://www.swp-berlin.org/fileadmin/contents/products/comments/2013C29_lrc_rps.pdf, accessed 5 April 2017.
125. Mullen, Matthew. 2016. Pathways That Changed Myanmar. Zed Books, eBook Collection (EBSCOhost), pp.193-195; Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, p.74; Schissler, Matt. 2016. On Islamophobes and Holocaust Deniers: Making Sense of Violence, in Myanmar and Elsewhere. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS—Yusof Ishak Institute, p.290; McPherson, Poppy. 2016. 'No Muslims allowed': how nationalism is rising in Aung San Suu Kyi's Myanmar. The Guardian, 23 May 2016. [online] Available at <https://www.theguardian.com/world/2016/may/23/no-muslims-allowed-how-nationalism-is-rising-in-aung-san-su-kyi-myanmar>, accessed 4 March 2017.
126. Cockett, Richard. Blood, Dreams and Gold, Yale University Press, 2015. p.241.
127. Khan, Helal Mohammed. 2016. Threat Perceptions in the Myanmar-Bangladesh Borderlands. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS—Yusof Ishak Institute, p.339.
128. Strasser, Fred. 2016. Myanmar Peace Process: Slow Progress, Delicate Steps. United States Institute for Peace, 10 November 2016. [online] Available at <https://www.usip.org/publications/2016/11/myanmar-peace-process-slow-progress-delicate-steps>, accessed 4 March 2017.
129. Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.1, 3. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.

END NOTES

130. For a more in depth description of the conflict history in Myanmar, including the persistence of mass atrocities, see Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: East Asia's Other Miracle: Explaining the Decline of Mass Atrocities. Oxford University Press.
131. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: East Asia's Other Miracle: Explaining the Decline of Mass Atrocities. Oxford University Press.
132. SIPRI. 2017. SIPRI Military Expenditure Database. [online] Available at <https://www.sipri.org/databases/milex>, accessed 2 June 2017; Selth, Adrew. 2015. Strong, Fully Efficient and Modern': Myanmar's New Look Armed Forces. Griffith Asia Institute, Regional Outlook Paper: No. 49, 2015. p.6. [online] Available at https://www.griffith.edu.au/_data/assets/pdf_file/0008/777878/Regional-Outlook-Paper-49-Selth.pdf, accessed 2 June 2017.
133. International Federation for Human Rights. 2015. Half Empty: Burma's political parties and their human rights commitments. November 2015, No 668a, p.11. [online] Available at <https://www.fidh.org/IMG/pdf/burma-bat-5-report.pdf>, accessed 5 July 2017.
134. Parameswaran, Prashanth. 2017. What Does Myanmar's New Defense Budget Mean?. The Diplomat (online), 3 March 2017. [online] Available at <https://thediplomat.com/2017/03/what-does-myanmars-new-defense-budget-mean/>, accessed 5 July 2017.
135. Selth, Adrew. 2015. Strong, Fully Efficient and Modern': Myanmar's New Look Armed Forces. Griffith Asia Institute, Regional Outlook Paper: No. 49, 2015. pp.5-7. [online] Available at https://www.griffith.edu.au/_data/assets/pdf_file/0008/777878/Regional-Outlook-Paper-49-Selth.pdf, accessed 2 June 2017.
136. Zoltan, Barany. 2016. Armed Forces and Democratization in Myanmar: Why the U.S. Military Should Engage the Tatmadaw. Center for Strategic and International Studies, 13 September 2016. . [online] Available at <https://www.csis.org/analysis/armed-forces-and-democratization-myanmar-why-us-military-should-engage-tatmadaw> ,accessed 2 June 2017.
137. Selth, Adrew. 2015. Strong, Fully Efficient and Modern': Myanmar's New Look Armed Forces. Griffith Asia Institute, Regional Outlook Paper: No. 49, 2015. pp.5-7, 18. [online] Available at https://www.griffith.edu.au/_data/assets/pdf_file/0008/777878/Regional-Outlook-Paper-49-Selth.pdf, accessed 2 June 2017.
138. Burma Link. 2014. Background: History of armed opposition. October 10, 2014. [online] Available at <http://www.burmalink.org/background/burma/dynamics-of-ethnic-conflict/history-of-armed-opposition/> ,accessed 2 June 2017.
139. Estimates of the number of militias varies, with some suggesting there are hundreds while other states there are as many as thousands.
140. Buchanan, John. Militias in Myanmar. The Asia Foundation, July 2016, pp.1-3, 28. [online] Available at <http://www.asiafoundation.org/wp-content/uploads/2016/07/Militias-in-Myanmar.pdf>, accessed 2 June 2017.
141. Selth, Adrew. 2015. Strong, Fully Efficient and Modern': Myanmar's New Look Armed Forces. Griffith Asia Institute, Regional Outlook Paper: No. 49, 2015. p.9.
142. OHCHR. 2017. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. United Nations Human Rights Office of the High Commissioner, Report of OHCHR mission to Bangladesh, 3 February 2017, p.12. [online] Available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>, accessed 7 June 2017.
143. Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, pp.58-61.
144. Sun, Yun. 2017. China and Myanmar's Peace Process. United States Institute for Peace, Special Report 401, March 2017, p.2, 14. [online] Available at <https://www.usip.org/sites/default/files/SR401-China-and-Myanmar-Peace-Process.pdf>, accessed 2 June 2017.
145. UN General Assembly. 2017. Situation of human rights in Myanmar. Human Rights Council, Draft Resolution, 22 March 2017, A/HRC/34/L.8/Rev.1, p.4. [online] Available at <http://www.burmalibrary.org/docs23/A-HRC-34-L-8-Rev.1.pdf>, accessed on 26 April 2017; Amnesty International. 2017. Annual Report Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/> ,accessed 19 May 2017.
146. For more information about the lack of clarity in media-legislation in Myanmar see the Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.6.
147. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.6.
148. Morada, Noel.2017. The Rohingya Crisis: High on Outrage, Short on Action Global observatory. Available[online] at <https://theglobalobservatory.org/2017/10/rohingya-crisis-high-on-outrage-short-on-action/> accessed 20 October 2017.
149. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.2, 12.
150. UN Human Rights Council. 2017. Human Rights Council decides to dispatch a fact-finding mission to Myanmar to establish facts on violations, especially in Rakhine State. 24 March 2017. [online] Available at <http://www.ohchr.org/>

END NOTES

[EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21443&LangID=Em](#), accessed 20 May 2017.

151. Horsey, Richard. 2017. Myanmar's Peace Conference Leaves Talks On Uncertain Path. International Crisis Group, 28 June 2017. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmars-peace-conference-leaves-talks-uncertain-path>, accessed 3 September 2017.

152. Ganesan, N. 2015. Ethnic Insurgency and the Nationwide Ceasefire Agreement in Myanmar. Asian Journal of Peacebuilding, vol. 3, no. 2, p.281.

153. International Crisis Group. 2016. Myanmar's Peace Process: Getting to a Political Dialogue. Crisis Group Asia Briefing N°149, Yangon/Brussels, 19 October 2016, pp.1-2. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>, accessed 3 September 2017; Horsey, Richard. 2017. Myanmar's Peace Conference Leaves Talks On Uncertain Path. International Crisis Group, 28 June 2017. [online] Available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmars-peace-conference-leaves-talks-uncertain-path>, accessed 3 September 2017.

154. Human Rights Watch. 2017. Burma: UN Takes Key Step for Justice. 24 March 2017. [online] Available at <https://www.hrw.org/news/2017/03/24/burma-un-takes-key-step-justice>, accessed 18 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar>, accessed 18 April 2017; Human Rights Watch. 2017. Aung San Suu Kyi's visit to Brussels and human rights in Burma. 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed 18 April 2017; England, Charlotte. 2017. Burmese government denies ongoing genocide of Rohingya Muslims. Independent (online), 4 January 2017. [online] Available at <http://www.independent.co.uk/news/world/asia/burma-government-rohingya-muslims-aung-san-suu-kyi-genocide-massacre-rape-minority-myanmar-a7508761.html>, accessed 18 April 2017.

155. UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar>, accessed on 29 October 2017; Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.

156. OHCHR. 2017. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. United Nations Human Rights Office of the High Commissioner, Report of OHCHR mission to Bangladesh, 3 February 2017, pp.31-34 [online] Available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>, accessed 7 June 2017.

157. Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.

158. United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, p.5. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017; OHCHR. 2017. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. United Nations Human Rights Office of the High Commissioner, Report of OHCHR mission to Bangladesh, 3 February 2017, pp.6-7, 36 [online] Available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>, accessed 7 June 2017; UNCHR. 2017. Bangladesh: Rohingya refugees moved from Kutupalong camp to new site. 27 October 2017. [online] Available at <http://www.unhcr.org/news/briefing/2017/10/59f2f1a44/bangladesh-rohingya-refugees-moved-kutupalong-camp-new-site.html>, accessed 29 October 2017.

159. OHCHA. 2017. Myanmar: Humanitarian Bulletin, Issue 2 2017 | June – 22 September. 22 September 2017. [online] Available at <https://reliefweb.int/report/myanmar/myanmar-humanitarian-bulletin-issue-2-2017-june-22-september>, accessed 29 October 2017; International Rescue Committee. 2017. Rohingya refugees: The world's fastest-growing humanitarian crisis by the numbers. Crisis Watch, 23 October 2017. [online] Available at <https://www.rescue.org/article/rohingya-refugees-worlds-fastest-growing-humanitarian-crisis-numbers>,

<https://www.rescue.org/article/rohingya-refugees-worlds-fastest-growing-humanitarian-crisis-numbers>, accessed 29 October 2017.

160. Hon. Thomas H. Andrews and Sullivan, Daniel. 2014. Marching to Genocide in Burma: Fueled by Government Action and a Systematic Campaign of Hate Aided and Abetted by the Diverted Eyes of the World. United to End Genocide, 24 March 2014, p. 4, 6. [online] Available at <http://burmacampaign.org.uk/media/marching-to-genocide-in-burma.pdf>, accessed 7 June 2017.

161. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.99.

162. Al Jazeera. 2016. Myanmar government cracks down on Buddhist nationalists. 15 July 2016. [online] Available at <http://www.aljazeera.com/news/2016/07/myanmar-government-cracks-buddhist-nationalists-160715151456466.html>, accessed 3 September 2017.

163. The Irrawaddy. Govt Warns Legal Action Against Ma Ba Tha For Ignoring Orders. The Irrawaddy, 15 July 2017.

END NOTES

- [online] Available at <https://www.irrawaddy.com/news/govt-warns-legal-action-ma-ba-tha-ignoring-orders.html>, accessed 3 September 2017.
164. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.24.
165. Human Rights Watch. 2017. Burma: UN Takes Key Step for Justice. 24 March 2017. [online] Available at <https://www.hrw.org/news/2017/03/24/burma-un-takes-key-step-justice>, accessed 14 June 2017; Amnesty International. 2017. Annual Report Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 19 May 2017; England, Charlotte. 2017. Burmese government denies ongoing genocide of Rohingya Muslims. Independent (online), 4 January 2017. [online] Available at <http://www.independent.co.uk/news/world/asia/burma-government-rohingya-muslims-aung-san-su-ki-genocide-massacre-rape-minority-myanmar-a7508761.html>, accessed 18 April 2017; United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, p.9. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017; UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, p.13.
166. UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/statement/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar>, accessed on 29 October 2017.
167. Pritchard, Ashely. 2016. Chapter 1: Introduction. In: Tantikanangkul, Walaiporn, and Pritchard, Ashley, (eds.) Politics of Autonomy and Sustainability in Myanmar. Springer Singapore, Volume 1, p.9.
168. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.59.
169. Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, p.74.
170. Welsh, Bridget and Huang, Kai-Ping. 2016. Public Perceptions of a Divided Myanmar. Findings from the 2015 Myanmar Asian Barometer Survey. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS Yusef Ishak Institute, pp.267-269.
171. Kipgen, Nehginpao. 2016. Democratisation of Myanmar. New Delhi: Routledge, pp. 27-28; Sakhong, Lian H. 2012. The Dynamics of Sixty Years of Ethnic Armed Conflict in Burma. Burma Centre for Ethnic Studies, Peace and Reconciliation, Analysis Paper No.1, January 2012, p.2. [online] Available at [http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics\(en\).pdf](http://www.burmalibrary.org/docs13/BCES-AP-01-dynamics(en).pdf), accessed 31 March 2017; Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.37; Bellamy, Alex. (2017). 'Chapter 8: At the Crossroads: Myanmar'. East Asia's Other Miracle: Explaining the Decline of Mass Atrocities Oxford University Press.p.25; Lorch, Jasmin and Roepstorff, Kristina. 2013. Myanmar's Peace Process: The Importance of Federal Reforms and an Inclusive National Dialogue. German Institute for International and Security Affairs, September 2013. p.1. [online] Available at https://www.swp-berlin.org/fileadmin/contents/products/comments/2013C29_lrc_rps.pdf, accessed 5 April 2017; Welsh, Bridget and Huang, Kai-Ping. 2016. Public Perceptions of a Divided Myanmar. Findings from the 2015 Myanmar Asian Barometer Survey. In Cheesman, Nick, & Farrelly, Nicholas (eds.). 2016. Conflict in Myanmar: War, Politics, Religion. ISEAS Yusef Ishak Institute, pp.262.
172. Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.35.
173. Human Rights Watch. 2000. III. Discrimination in Arakan. In Human Rights Report on BURMA/BANGLADESH: Burmese refugees in Bangladesh – Still no durable Solution. Vol. 12., No 3, may 2000. [online] Available at <https://www.hrw.org/reports/2000/burma/burm005-02.htm>, accessed 18 April 2017.
174. Human Rights Watch. Malaysia/Burma: Living in Limbo Burmese Rohingyas in Malaysia. Vol. 12, No.4, August 2000. [online] Available at https://www.hrw.org/reports/2000/malaysia/maybr008-01.htm#P251_41369, 31 March 2017; Azeem, Ibrahim. 2016. The Rohingyas: Inside Myanmar's Hidden Genocide. London: C. Hurst and Co., p.57.
175. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.10.
176. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.10; Human Rights Watch. 2013. Burma: Revoke 'Two-Child Policy' For Rohingya. 28 May 2013. [online] Available at <https://www.hrw.org/news/2013/05/28/burma-revoke-two-child-policy-rohingya>, accessed 9 June 2017.
177. For more details on these laws, see OHCHR. Myanmar: UN rights experts express alarm at adoption of first of four 'protection of race and religion' bills. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID=E#sthash.UAxyASJ2.dpuf>, accessed 9 June 2017.
178. Cipadh. 2015. Myanmar: UN Human rights experts worry about racial and religious discriminatory bills. Human Rights in ASEAN, 2 June 2015. [online] Available at <http://humanrightsinasean.info/article/myanmar-un-human-rights-experts-worry-about-racial-and-religious-discriminatory-bills.html>, accessed 3 September 2017; Human

END NOTES

- Rights Watch. 2015. Burma: Discriminatory Laws Could Stoke Communal Tensions: New Laws Target Muslims, Other Religious Minorities. 23 August 2015. [online] Available at <https://www.hrw.org/news/2015/08/23/burma-discriminatory-laws-could-stoke-communal-tensions>, accessed 9 June 2017; Office of the United Nations High Commissioner for Human Rights. 2015. Myanmar: UN rights experts express alarm at adoption of first of four 'protection of race and religion' bills. Geneva, 27 May 2015. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID=E>, accessed 9 June 2017; Caster, Michael. 2015. The Truth About Myanmar's New Discriminatory Laws. The Diplomat, 26 August 2015. [online] Available at <https://thediplomat.com/2015/08/the-truth-about-myanmars-new-discriminatory-laws/>, accessed 9 June 2017; UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.17.
179. Bellamy, Alex. 2017. Chapter 8: At the Crossroads: Myanmar. In: East Asia's Other Miracle: Explaining the Decline of Mass Atrocities. Oxford University Press; Network for Human Rights Documentation – Burma. 2015. To recognize and repair: Unofficial truth projects in need for justice in Burma. April 2015. [online] Available at <http://nd-burma.org/to-recognize-and-repair/>, accessed 13 April 2017; Thomson, Aileen. 2016. Prospects for Justice in Myanmar. International Center for Transitional (ICTJ), ICTJ Briefing, November 2016, p.1, 3. [online] Available at <https://www.ictj.org/publication/myanmar-justice-prospects-nld>, accessed 26 April 2017.
180. Human Rights Watch. 2017. Burma: UN Takes Key Step for Justice. 24 March 2017. [online] Available at <https://www.hrw.org/news/2017/03/24/burma-un-takes-key-step-justice>, accessed 18 April 2017; Amnesty International. 2017. Annual Report: Myanmar 2016/2017. [online] Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>, accessed 18 April 2017; Human Rights Watch. 2017. Aung San Suu Kyi's visit to Brussels and human rights in Burma. 27 April 2017. [online] Available at <https://www.hrw.org/news/2017/04/27/aung-san-suu-kyis-visit-brussels-and-human-rights-burma>, accessed 18 April 2017; England, Charlotte. 2017. Burmese government denies ongoing genocide of Rohingya Muslims. Independent (online), 4 January 2017. [online] Available at <http://www.independent.co.uk/news/world/asia/burma-government-rohingya-muslims-aung-san-suu-kyi-genocide-massacre-rape-minority-myanmar-a7508761.html>, accessed 18 April 2017.
181. UN General Assembly. 2017. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/34/67, Human Rights Council Thirty-fourth session, 1 March 2017, pp.13-14.
182. Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.
183. Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017. UN Secretary General António Guterres. 2017. Secretary-General's remarks at open debate of the Security Council on Myanmar. 28 September 2017. [online] Available at <https://www.un.org/sg/en/content/sg/state-ment/2017-09-28/secretary-generals-remarks-open-debate-security-council-myanmar>, accessed on 29 October 2017; Nichols, Michelle. 2017. U.N. chief, Security Council call on Myanmar to end violence. Reuters, 13 September 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya/u-n-chief-security-council-call-on-myanmar-to-end-violence-idUSKCN1B00B1>, accessed 29 October 2017.; Miles, Tom. 2017. U.N. says still determining if Myanmar crisis is genocide. 18 October 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya-genocide/u-n-says-still-determining-if-myanmar-crisis-is-genocide-idUSKBN1CN2OP>, accessed 29 October 2017.
184. OHCHR. 2017. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. United Nations Human Rights Office of the High Commissioner, Report of OHCHR mission to Bangladesh, 3 February 2017, p.12. [online] Available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>, accessed 7 June 2017; Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. [online] Available at <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.
185. OHCHR. 2017. Interviews with Rohingyas fleeing from Myanmar since 9 October 2016. United Nations Human Rights Office of the High Commissioner, Report of OHCHR mission to Bangladesh, 3 February 2017, p.20-25. [online] Available at <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>, accessed 7 June 2017.
186. Ibid, pp.14-18.
187. Ibid, p.19.
188. Ibid, pp.31-34.
189. United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, p.5, 24. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017.
190. UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.10; Human Rights Watch. 2013. Burma: Revoke 'Two-Child Policy' For Rohingya. 28 May 2013. [online] Available at <https://www.hrw.org/news/2013/05/28/>

END NOTES

[burma-revoke-two-child-policy-rohingya](#), accessed 9 June 2017.

191. Amnesty International and International Commission of Jurists. Myanmar: Parliament must reject discriminatory 'race and religion' laws. Joint Statement, 3 March 2015, Index: ASA 16/1107/2015. [online] Available at <https://www.amnesty.org/en/documents/asa16/1107/2015/en/>, accessed 14 June 2017; Human Rights Watch. 2015. Burma: Reject Discriminatory Population Bill. 16 May 2015. [online] Available at <https://www.hrw.org/news/2015/05/16/burma-reject-discriminatory-population-bill>, accessed 14 June 2017.

192. Amnesty International. 2015. Myanmar: Scrap 'race and religion laws' that could fuel discrimination and violence. 3 March 2015. [online] Available at <https://www.amnesty.org/en/latest/news/2015/03/myanmar-race-and-religion-laws/>, accessed 14 June 2017.

193. Amnesty International and International Commission of Jurists. Myanmar: Parliament must reject discriminatory 'race and religion' laws. Joint Statement, 3 March 2015, Index: ASA 16/1107/2015. [online] Available at <https://www.amnesty.org/en/documents/asa16/1107/2015/en/>, accessed 14 June 2017.

194. Wald, Patricia M. 2007. Genocide and Crimes Against Humanity. Washington University Global Studies Law Review, Volume 6, Issue 3 'Symposium – Judgement at Nuremberg'. [online] Available at http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1155&context=law_globalstudies, accessed 14 June 2017; Amnesty International. 2017. 'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar. 18 October 2017. <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, accessed 29 October 2017.

195. Amnesty International. 2017. Myanmar: Ethnic minorities face range of violations including war crimes in northern conflict. 14 June 2017, p.7, 12. [online] Available at <https://www.amnesty.org/en/latest/news/2017/06/myanmar-ethnic-minorities-face-violations-in-northern-conflict/>, accessed 14 June 2017; UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.12; Human Rights Watch. 2016. Burma: Protect Civilians in Northern Fighting. 22 December 2016. [online] Available at <https://www.hrw.org/news/2016/12/22/burma-protect-civilians-northern-fighting>, accessed 14 June 2017; International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. March 2014, p.1. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 14 June 2017.

196. Amnesty International. 2017. Myanmar: "All the civilians suffer": Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.8. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017.

197. Ibid, 23, 47.

198. Kramer, Tom. 2010. Ethnic Conflict in Burma: The Challenge of Unity in a Divided Country. In Dittmer, Lowell (eds.). 2010. Burma or Myanmar? the Struggle for National Identity. Singapore; London: World Scientific, 2010, pp.58-60; Amnesty International. 2017. Myanmar: "All the civilians suffer": Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.8. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017.

199. Amnesty International. 2017. Myanmar: "All the civilians suffer": Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, pp.22-23. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017; Non-governmental organisations' Joint Statement. Non-governmental organisations collectively call for immediate cessation of armed conflict and protection of civilians in Kachin and Northern Shan States, Myanmar. Yangon, 25 January 2017. [online] Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Joint%20NGO%20Statement%20on%20Kachin%26Shan%2025012017.pdf>, accessed 14 June 2017.

200. International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, p.2. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.

201. International Human Rights Clinic, Harvard Law School. 2014. Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar. 5 November 2014. p.v. [online] Available at <http://hrp.law.harvard.edu/wp-content/uploads/2014/11/2014.11.05-IHRC-Legal-Memorandum.pdf>, accessed 16 June 2017.

202. International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, p.29. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.

203. Ibid, pp.27, 31-33.

204. Amnesty International. 2017. Myanmar: "All the civilians suffer": Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.14, 22. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017; International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, pp.30-31, 34.

END NOTES

- [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.
205. International Human Rights Clinic, Harvard Law School. 2014a. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, pp.30-31, 34. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.
206. UN General Assembly. (last amended) 2010 Rome Statute of the International Criminal Court 17 July 1998, ISBN No. 92-9227-227-6, [online] Available at <http://www.refworld.org/docid/3ae6b3a84.html>, accessed 17 June 2017.
207. Amnesty International. 2017. Myanmar: “All the civilians suffer”: Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.8, 14, 23, 47. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017; UN General Assembly. (last amended) 2010 Rome Statute of the International Criminal Court 17 July 1998, ISBN No. 92-9227-227-6, [online] Available at <http://www.refworld.org/docid/3ae6b3a84.html>, accessed 17 June 2017.
208. Amnesty International. 2017. Myanmar: “All the civilians suffer”: Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, p.39. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017.
209. Ibid, p.14.
210. International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, p.3. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.
211. Amnesty International. 2017. Myanmar: “All the civilians suffer”: Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, pp.22-23. [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017; Non-governmental organisations’ Joint Statement. Non-governmental organisations collectively call for immediate cessation of armed conflict and protection of civilians in Kachin and Northern Shan States, Myanmar. Yangon, 25 January 2017. [online] Available at <https://reliefweb.int/sites/reliefweb.int/files/resources/Joint%20NGO%20Statement%20on%20Kachin%26Shan%2025012017.pdf>, accessed 14 June 2017.
212. International Human Rights Clinic, Harvard Law School. 2014. Policy Memorandum: Preventing Indiscriminate Attacks and Wilful Killings of Civilians by the Myanmar Military. 24 March 2014, p.27. [online] Available at http://hrp.law.harvard.edu/wp-content/uploads/2014/03/2014.03.24-IHRC-Military-Policy-Memorandum-FINAL.web_.pdf, accessed 16 June 2017.
213. OHCHA. 2017. 2017 Humanitarian Response Plan Monitoring Report. January – March 2017, 1 June 2017. [online] Available at <https://reliefweb.int/report/myanmar/2017-myanmar-humanitarian-response-plan-monitoring-report-january-march-2017>, accessed 19 June 2017; Human Rights Watch. 2016. Burma: Protect Civilians in Northern Fighting. 22 December 2016. [online] Available at <https://www.hrw.org/news/2016/12/22/burma-protect-civilians-northern-fighting>, accessed 19 June 2017; Amnesty International. 2017. Myanmar: “All the civilians suffer”: Conflict, displacement, and abuse in northern Myanmar. 14 June 2017, pp.8-11 [online] Available at <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>, accessed 14 June 2017; UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.2, 12.
214. United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, pp.3, 9-11. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017.
215. Ibid, p.8-10; UN General Assembly. 2016. Report of the Special Rapporteur on the situation of human rights in Myanmar. A/HRC/31/71, Human Rights Council Thirty-first session, 18 March 2016, p.2, 12.
216. United Nations Office for the Coordination of Humanitarian Affairs. 2017 Humanitarian Needs Overview: Myanmar. United Nations Humanitarian Country Team, December 2016, p.10. [online] Available at http://reliefweb.int/sites/reliefweb.int/files/resources/Ref_Doc_Humanitarian_Needs_Overview_HCT_2017.pdf, accessed 6 April 2017.
217. Human Rights Watch. 2017. World Report 2016: Burma. [online] Available at <https://www.hrw.org/world-report/2016/country-chapters/burma>, accessed 19 June 2017.
218. UN Human Rights Council. 2017. Human Rights Council decides to dispatch a fact-finding mission to Myanmar to establish facts on violations, especially in Rakhine State. 24 March 2017. [online] Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21443&LangID=En>, accessed 20 May 2017.
219. Zaw, Htet Naing. 2017. Myanmar: Government reiterates rejection of UN fact-finding mission. The Irrawaddy, 31 May 2017. [online] Available at <https://reliefweb.int/report/myanmar/myanmar-govt-reiterates-rejection-un-fact-finding-mission>, accessed 19 June 2017.
220. Ibid.; Ives, Mike. Myanmar Vows to Block U.N. Investigators From Entering. New York Times, 30 June 2017. [online] Available at <https://www.nytimes.com/2017/06/30/world/asia/myanmar-united-nations-rohingya.html>, accessed 3

END NOTES

- July 2017; Emmott, Robin. 2017. Myanmar, EU at odds over Rohingya rights mission. Reuters, 2 May 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya-eu/myanmar-eu-at-odds-over-rohingya-rights-mission-idUSKBN17Y1UM>, accessed 20 May 2017.
221. Lewis, Simon. 2017. Myanmar says it will refuse entry to U.N. investigators probing Rohingya abuses. Reuters, 30 June 2017. [online] Available at <https://www.reuters.com/article/us-myanmar-rohingya-un/myanmar-says-it-will-refuse-entry-to-u-n-investigators-probing-rohingya-abuses-idUSKBN19L0CP>, accessed 3 July 2017.
222. United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations. p.7. [online] Available at http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf, accessed 16 January 2017
223. Indicators 1.6, 1.9, 1.10, 3.9, 3.10, 4.9 were absent.