

THE WAR REPORT 2017

MYANMAR: A BATTLE FOR RECOGNITION



DECEMBER 2017 | LAURA BARON-MENDOZA

CONTEXT

With a vast ethnic and cultural diversity,¹ as well as high levels of poverty, Myanmar has witnessed the emergence of a myriad of armed non-state actors (ANSAs), which have splintered and morphed over time, and has subnational tensions arising from tremendous distinctive dynamics. The majority of such actors, known as ethnic armed organizations (EAOs), have primarily pursued a high level of autonomy along with the recognition of identity and rights. These claims have been ongoing since before the colonial period, intensifying after independence in 1948 and still persisting in 2017.

The 1980s and 90s saw important progress towards peace, with several ceasefire deals and the creation of the Border Guard Forces (BGFs) following plans for demobilization. Yet, these deals have all failed and have, therefore, generated the proliferation of ANSAs. It was not until 2015 that the government of Aung San Suu Kyi achieved the signing of the Nationwide Ceasefire Agreement (NCA); however, this process has failed to be inclusive, leaving aside key actors after the government imposed restrictions for its signature and as a result, have maintained their armed confrontation.

Myanmar is composed of seven states, seven regions, six self-administered zones (or divisions) and one union territory.² One of the seven states, Rakhine (situated on the west coast of the country), is the site of ongoing tensions between the Myanmar armed forces and the Arakan Rohingya Salvation Army (ARSA). Violence escalated sharply from October 2016, when ARSA first attacked, and continued to spiral, with the last military crackdown on 25 August 2017.

Thus, in order to understand the complex setting in Myanmar, it is crucial to outline the dynamics of these long-term tensions, while focusing on the latest developments in Rakhine state and the challenges these give rise to.

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SUBNATIONAL ARMED VIOLENCE IN MYANMAR'S TERRITORY: THE RISE OF VIOLENCE IN 2016–2017

Myanmar is known for its subnational tensions, which encompass colossal territorial challenges. These tensions can be understood as asymmetric armed violence in which the central government opposes a plethora of ANSAs located in specific regions where they 'share a common ethnic, cultural, or religious identity with the local population in the conflict-affected area'³ and seek its greater autonomy. In fact, some areas in Myanmar have never been under central state control since 1948.

Violence in independent Myanmar commenced due to the suppression of democratic movements, struggles for ethnic autonomy and counterinsurgency tactics (i.e. the 'Four Cuts' strategy articulated in the 1960s).⁴ The military has since played a central role in national politics, with successive authoritarian military regimes following the military coup in 1962.⁵ It maintains such a role in 2017, as the 2008 Constitution conceded to it parliamentary seats and the control of three different ministries.⁶

Iconic events, like the Saffron Revolution in 2007 and the creation of the first civil government in 2010, have been followed by several efforts to reach peace agreements with EAOs, all of which have failed to generate a lasting settlement. It was not until 2015, when the National League for Democracy (NLD) won the general elections, that Myanmar was considered to have started paving the way to democratization and peace.⁷

On 15 October 2015, the NCA was signed by eight EAOs and the central government (see Figure 1). However, the Agreement has two crucial flaws: 1) some of the largest EAOs were not allowed to sign it⁸ and 2) the advancement towards its implementation is slow. As a result, military

1 In total, 135 ethnic groups are recognized. They each have their own language and culture and together account for one-third of Myanmar's population. See The Asia Foundation, 'Myanmar', The State of Conflict and Violence in Asia, 2017, p 106, <https://asiafoundation.org/wp-content/uploads/2017/10/Myanmar-TStateofConflictandViolence.pdf> (last accessed 28 November 2017).

2 A state is equivalent here to a region. This terminology has been used since the 2008 Constitution to distinguish ethnic states from the Bamar regions. See H. Nixon, C. Joeline, K. P. Chit Saw, T. A. Lynn and M. Arnold, State and Region Governments in Myanmar, The Asia Foundation, 2013, p 9, https://asiafoundation.org/wp-content/uploads/2015/03/State-and-Region-Governments-in-Myanmar_2015Forward.pdf (last accessed 28 November 2017).

3 A. Burke, N. Williams, P. Barron, K. Jolliffe and T. Carr, The Contested Areas of Myanmar: Subnational Conflict, Aid, and Development, The Asia Foundation, 2017, p 14, <https://asiafoundation.org/wp-content/uploads/2017/10/ContestedAreasMyanmarReport.pdf> (last accessed 28 November 2017).

4 The 'Four Cuts' strategy sought to cut off insurgent groups from the support they received from the local population in order to get food, money, intelligence and potential recruits. To this end, villages were cleared, mass arrests, torture and extrajudicial killings were allegedly carried out and crops and farmland were burnt. See Human Rights Watch (HRW), 'Untold Miseries': Wartime Abuses and Forced Displacement in Burma's Kachin State, pp 25–26.

5 Burke et al, The Contested Areas of Myanmar, supra fn 3, p 28.

6 The military was given control of the defence, home affairs and border affairs ministries. See The Asia Foundation, 'Myanmar', supra fn 1, p 105.

7 However, the Rohingya community was disenfranchised from these elections due their status of illegal immigrants from Bangladesh. See *ibid*; People's Alliance for Credible Elections (PACE) Final Report: Myanmar Elections, 2015, p 31, <https://pacemyanmar.org/wp-content/uploads/2016/02/PACE-Final-Report-Myanmar-Elections-2015-English.pdf> (last accessed 28 November 2017).

8 International Crisis Group, Myanmar's Peace Process: Getting to a Political Dialogue, Asia Briefing no 149, pp 2, 7, 10, <https://d2071andvip0wj.cloudfront.net/b149-myanmar-s-peace-process-getting-to-a-political-dialogue.pdf> (last accessed 28 November 2017). One of several reasons for this is the non-existence of bilateral ceasefires with the Myanmar military.

FIGURE 1 – ETHNIC ARMED ORGANIZATIONS THAT SIGNED THE NATIONWIDE CEASEFIRE AGREEMENT IN OCTOBER 2015 WITH THE CENTRAL GOVERNMENT OF MYANMAR:

- Democratic Karen Buddhist Army (DKBA)
- Restoration Council of Shan States RCSS/SSA-South
- Chin National Front (CNF)
- Karen National Union (KNU)
- Karen National Liberation Army Peace Council (KPC)
- Arakan Liberation Party (ALP)
- Pa-O National Liberation Organization (PNLO)
- All Burma Students' Democratic Front (ABSDF)

action and armed clashes continue in various contested areas and many EAOs remain skeptical; notably, four EAOs that operate in Kachin and Shan states. These four created the Northern Alliance: a coalition that conducts open armed violence against the Tatmadaw (myanmar armed forces).⁹

Furthermore, while ethnic factors originally shaped these skirmishes, issues related to the exploitation of natural resources, land use, the development of infrastructure projects and the narcotics trade also play a role in Myanmar's intricate context.¹⁰ Bearing this in mind, Myanmar's subnational tensions do not share a common cause. Accordingly, the actors and levels of violence diverge from one another.

Thus, at least one-third of Myanmar (118 out of 330 townships) is affected by subnational violence due to the repeated failure to reach a unanimous perspective on what constitutes the nation state and how it can be administrated. This protracted situation is the main justification for the military's strong political role.

Although the current government, under the NLD, and the Tatmadaw have highlighted the achievement of peace

as a priority, armed encounters have continued over the last two years in 40 of the 94 townships where EAO signatories are present.¹¹ The states that have traditionally witnessed these clashes are Chin, Rakhine, Mon, Kayah, Kayin (or Karen), Shan and Kachin. Surprisingly, while Kayin state is known for the longest-running armed violence – between the central state and the Karen National Union (KNU)¹² – which left at least 18,000 dead between 1949 and 2013, violence has decreased there since it joined the NCA.¹³

Conversely, in Kachin and Northern Shan states in northern Myanmar, more than 600 people were killed and 700 injured between 2014 and mid-2017.¹⁴ Of these, 40 percent were civilians. In 2016 and 2017, the Tatmadaw attacked, for months, the Kachin Independence Army (KIA) posts in the mountains of Kachin in order to regain control. Both sides used artillery and air strikes were launched by the Tatmadaw. In parallel, central state forces were also heavily confronting the Northern Alliance in Shan state (the KIA, Ta'ang National Liberation Army (TNLA), Myanmar National Democratic Alliance Army (MNDAA) and Arakan Army (AA)), which kept attacking police outposts.¹⁵ Finally, there were also some clashes between the breakaway group, the Democratic Karen Buddhist Army

(DKBA), and central state forces in Kayin. However, the central state forces oppose smaller EAOs and the confrontations are less intense.¹⁶

Although the level of violence in Kachin and Northern Shan states increased in 2016 and 2017,

the continued escalation of violence in the state of Rakhine since October 2016 has given rise to one of the most critical situations in 2017.¹⁷ This document therefore provides an overview of the current situation in Rakhine state and its key challenges.

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9 Escola de Cultura de Pau, Alerta 2017! Informe sobre conflictos, derechos humanos y construcción de paz, p 169, <http://escolapau.uab.cat/img/programas/alerta/alerta/17/alerta17e.pdf> (last accessed 28 November 2017).

10 HRW, 'Untold Miseries', supra fn 4, pp 29–33. For instance, Kachin state has the most lucrative jade mines, gold and timber, which have enriched both parties, and Shan state is the centre of the opium trade. See UN Office on Drugs and Crime (UNODC), 'Myanmar', Southeast Asia Opium Survey 2015, http://www.unodc.org/documents/southeastasiaandpacific/Publications/2015/Southeast_Asia_Opium_Survey_2015_web.pdf (last accessed 28 November 2017).

11 Nixon et al, State and Region Governments in Myanmar, supra fn 2, p 15.

12 The armed branch of the KNU is known as the Karen National Liberation Army (KNLA).

13 The Asia Foundation, 'Myanmar', supra fn 1, p 108.

14 Ibid, p 9.

15 'Tatmadaw, Northern Alliance Continue to Clash in 2017, Myanmar Times, 5 January 2017, <https://www.mmmtimes.com/national-news/24414-tatmadaw-northern-alliance-continue-to-clash-in-2017.html>, (last accessed 10 November 2017); see also the official website of the Northern Alliance, <http://northernalliance.today/about-us/> (last accessed 28 November 2017).

16 Escola de Cultura de Pau, Alerta 2017!, supra fn 9, p 73.

17 See Amnesty International 'We Are at Breaking Point' – Rohingya: Persecuted in Myanmar, Neglected in Bangladesh, 19 December 2016, <https://www.amnesty.org/en/documents/asa16/5362/2016/en/> (last accessed 28 November 2017).

UNDERSTANDING THE DYNAMICS OF THE VIOLENCE IN RAKHINE STATE

Rakhine state, located in western Myanmar, is the setting of an interplay between ANSAs and communal violence.¹⁸ Tensions between the central government and the Muslim population, which self-identifies as Rohingya, date back to 1982 when the Burma Citizenship Law was enacted. This law enabled the revocation of Rohingya citizenship, therefore excluding the community from the 135 ethnic groups that were and still are recognized in Myanmar.¹⁹ Consequently, Rohingya referred to as Bengali and considered illegal immigrants from Bangladesh have since been severely persecuted. In other words, there has been a systematic denial of Rohingya rights and an asymmetric relation

between them and the Rakhine Buddhists.²⁰

According to the International Organization for Migration, mass migration has always been an issue in the state.²¹ Nonetheless, the ethnic tensions and the subsequent military crackdowns have had four different triggers since 2012: 1) The rape and murder of a Rakhine Buddhist woman by three Rohingya men in mid 2012. This increased tensions and created sporadic violence between the two communities;²² 2) The disenfranchisement of Rohingya during the 2015 elections; 3) ARSA claiming responsibility for attacks in October 2016;²³ 4) The latest attack by ARSA on military posts on 25 August 2017.

These four triggers have resulted in a severe military response against the Rohingya population, which has led to the destruction of private property, beatings, killings, rape, the suspension of humanitarian aid and a mass wave of migration to camps in Bangladesh's Cox's Bazar.²⁴ In addition, based on the information documented by the office of Myanmar's military commander-in-chief, at least 90 armed engagements between the Tatmadaw and ARSA took place during the week after 25 August. The intensity of the violence is far from declining.²⁵

FIGURE 2 - NON-INTERNATIONAL ARMED CONFLICTS IN MYANMAR IN 2017 OPPOSING THE STATE ARMED FORCES (TATMADAW) AND :

Kachin	Northern Shan State	Rakhine	Kayin (or Karen)
Kachin Independence Organization/Army (KIO/KIA)	Multiple EAOs: Kachin Independence Army (KIA), Ta'ang National Liberation Army (TNLA*), Myanmar National Democratic Alliance Army (MN-DAA) and Arakan Army (AA**)	Arakan Rohingya Salvation Army (ARSA) or Harakah al-Yaqin (HaY)	Karen Buddhist Army (DKBA)

* In addition, since February 2017, clashes between the TNLA and the Shan State Army-South (SSA-S) have been reported.

** The AA is a new presence in Kachin.

18 In addition, since February 2017, clashes between the TNLA and the Shan State Army-South (SSA-S) have been reported.

19 Burke et al, The Contested Areas of Myanmar, supra fn 3, p 26.

19 I. Iqbal, 'Locating the Rohingya in Time and Space', Al Jazeera, 27 September 2017, <http://www.aljazeera.com/indepth/opinion/locating-rohingya-time-space-170927100542729.html>, (last accessed 14 November 2017); L. H. Sakhong, The 2008 Constitution and Ethnic Issues: To What Extent Did It Satisfy the Aspirations of Various Ethnic Groups?, Burma Centre for Ethnic Studies, Analysis Paper no 5, 2012, p 33, <https://cdes.org.mm/publications/678a34097a-581ca9403c8eaf2d86b5ee.pdf> (last accessed 28 November 2017).

THE EMERGENCE OF THE ROHINGYA INSURGENCY IN NORTHERN RAKHINE

As a result of the above events, northern Rakhine saw the emergence of a newly organized resistance movement in late 2016, which calls itself Harakah al-Yaqin (HaY), meaning 'faith movement'. Yet, HaY had been operating and organizing since 2012.²⁶ What made it reveal its identity last year, it says, were the false claims by the Rohingya Solidarity Organization (RSO) to the attack and the subsequent collection of donations for the RSO.²⁷ Recently, HaY has

20 G. Aron and D. Gilmore, Navigating Change: Crisis and Crossroads in the Rakhine State Context, Collaborative Learning Projects, April 2017, pp 4–16.

21 International Organization for Migration (IOM) (2017). Bangladesh: Needs and Population Monitoring Report - Undocumented Myanmar Nationals in Teknaf and Ukhiya. Round 6, p. 1-7, <http://www.globaldtm.info/category/asia-pacific/bangladesh/> (last accessed 29 November 2017).

22 The Asia Foundation, 'Myanmar', supra fn 1, p 108.

23 See International Crisis Group, Myanmar: A New Muslim Insurgency in Rakhine State. Asia Report no 283, 2016, <https://d2071andvip0wj.cloudfront.net/283-myanmar-a-new-muslim-insurgency-in-rakhine-state.pdf> (last accessed 28 November 2017).

24 UN Office of the High Commissioner for Human Rights (OHCHR), Report of OHCHR Mission to Bangladesh: Interviews With Rohingyas Fleeing From Myanmar Since 9 October 2016. Flash Report, 3 February 2017, <http://www.ohchr.org/Layoffs/15/WopiFrame.aspx?sourceDoc=/Documents/Countries/MM/FlashReport3Feb2017.pdf&action=default&DefaultItemOpen=1> (last accessed 28 November 2017).

25 P. Heijmans, 'Myanmar Says it Killed 370 Rohingya "Fighters"', Al Jazeera, 1 September 2017, <http://www.aljazeera.com/news/2017/09/myanmar-killed-370-rohingya-fighters-170901104820077.html> (last accessed 14 November 2017).

26 International Crisis Group has documented information that says HaY's planning and formation activities started during 2012 and its recruitment intensified in 2013, supra fn 26, p. 15.

27 Crisis Group, Myanmar, supra fn 26, p 12; B. Lintner, 'The Truth Behind Myanmar's Rohingya Insurgency', Asia Times, <http://www.atimes.com/article/truth-behind-myanmar-rohingya-insurgency/>, (last accessed 17 November 2017).

started to use the English name Arakan Rohingya Salvation Army (ARSA).

Despite being a Muslim group, ARSA does not follow a jihadist agenda, has no religious targets and does not aim to impose Sharia law. In addition, there is no information about the presence of foreign fighters. Conversely, ARSA targets army forces, which are perceived as a threat to the community, and its stated prime purpose is to end the persecution of Rohingya.²⁸

On 14 September 2017, ARSA released a statement confirming the non-existence of links either with al-Qaeda, the Islamic State of Iraq and the Levant (ISIL) or any other transnational jihadist group.²⁹ While it does have various cooperation channels for training, funding and weapons provision in different countries, these seem to be governed by *umma* (Islamic community) solidarity rather than any convergence of radical ideology.³⁰

The attacks on 9 October 2016 mark a shift in the region's dynamics. Being the first military operation by ARSA (aimed at looting weapons), it embodied a new level of planning, organization and violent resistance. That day, 400 members of ARSA launched an attack targeting the Border Guard Police's (BGP) headquarters in two townships near the north-west border with Bangladesh.³¹ As a result, nine policemen as well as eight ARSA members were killed and two of the latter were captured. On this occasion, the ANSA employed 62 firearms and more than 10,000 rounds of ammunition. It should also be highlighted that by planting improvised explosive devices (IEDs) and preparing an ambush near the headquarters, ARSA demonstrated a high level of preparation. Subsequently, skirmishes continued during the following months, after the government deployed its 'clearance operations'.³² This reaction by the Tatmadaw indicated the escalation of its operations through high-level violence, using military helicopters to launch air strikes and the deployment of ground troops to surround and, inter

alia, attack villages by means of arson.³³

Recent attacks and subsequent responses at the end of August of 2017 marked another escalation of violence. On 25 August, ARSA members attacked at least 30 security force posts, which generated severe counter-attacks mainly affecting Rohingya locals. This campaign has been classified by various organizations as systematic, organized and ruthless, targeting civilians and not ARSA members.³⁴

ARSA is led by a committee of Rohingya émigrés in Saudi Arabia. However, in Rakhine, it is under the command of Rohingya with international training and experience in modern guerrilla war tactics. At the same time, it undeniably counts on the local communities' support, which has been ratified and enforced by fatwas (religious rulings) as religious backup for its cause.³⁵

Its leader and main speaker is known as Ata Ullah (alias Ameer Abu Amar or Abu Amar Jununi), identified as Hafiz Tohar by the Myanmar government. As well as the leadership group in Mecca, Ata Ullah, alongside other Rohingya in Rakhine, has led all the ground operations.³⁶ Bearing this in mind, the existence of a command structure, headquarters and disciplinary rules is unquestionable.³⁷

On the other hand, ARSA's tactics of guerrilla warfare and the use of different kinds of weapons suggest that the group possesses a certain level of military training and funding, along with its ability to gain access to weapons, military equipment and recruits.³⁸ In fact, it has been alleged that it is well-connected with the Rohingya diaspora (in Bangladesh, Pakistan and other countries such as India) through its headquarters in Saudi Arabia.

Last but not least, the number of members is unclear.³⁹ The majority are Muslim villagers, organized in village-level cells and trained by mullahs or hafizes (Islamic clerics and scholars).⁴⁰ Moreover, ARSA's ability to plan, coordinate and

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28 Crisis Group, Myanmar, supra fn 26, p 14.

29 F. Edroos, 'ARSA Group Denies Links With al-Qaeda, ISIL and Others', Al Jazeera, 14 September 2017, <http://www.aljazeera.com/news/2017/09/arsa-group-denies-links-al-qaeda-isil-170914094048024.html>, (last accessed 17 November 2017).

30 F. Edroos, 'ARSA: Who are the Arakan Rohingya Salvation Army', Al Jazeera, 13 September 2017, <http://www.aljazeera.com/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html> (last accessed 14 November 2017).

31 Crisis Group, Myanmar, supra fn 26, p 6.

32 Government press conference, Nay Pyi Taw, 9 October 2016, reported in Global New Light of Myanmar, 10 October 2016, pp 1, 3, cited in Crisis Group, Myanmar, supra fn 26, p 6.

33 International Crisis Group interview by Arakan Project researcher, Yangon, November 2016, cited in Crisis Group, Myanmar, supra fn 26, p 10.

34 Amnesty International, 'My World is Finished': Rohingya Targeted in Crimes Against Humanity in Myanmar, October 2017, p 6, <https://www.amnestyusa.org/wp-content/uploads/2017/10/Amnesty-My-World-Is-Finished-Myanmar-18.10.20171.pdf> (last accessed 28 November 2017).

35 Several clerics have stated that given the persecution of Muslims in Rakhine, the campaign against the security forces is legal in Islam. Crisis Group, Myanmar, supra fn 26, p 13.

36 Ibid, pp 1, 12–13.

37 ICTY, Prosecutor v Haradinaj, Trial Chamber, Judgment, IT-04-84-T, 3 April 2008, § 63-89.

38 Ibid.

39 F. Edroos, 'ARSA Group Denies Links With al-Qaeda, ISIL and Others', supra fn 32.

40 Lintner, 'The Truth Behind Myanmar's Rohingya Insurgency', supra fn 30; J. Head, 'Rohingya Crisis: Finding out the Truth about Arsa Militants', BBC News, 11 October 2017,

carry out military operations is undeniable. Proof of this lies in the information leaked by informers regarding training programmes as well as the involvement of the Saudi-based leaders in selecting targets, dates, places and methods.⁴¹

COUNTER INSURGENCY OPERATIONS

Due to the framework of violence outlined above, various human rights organizations have been working in the field in 2016 and 2017, in order to document what has happened since the crisis began and the results of the military campaign launched by the Tatmadaw. Due to the accusations of human rights violations carried out by military and security forces.⁴² The United Nations Human Rights Council announced the conclusion of the first fact-finding mission on Myanmar. The Commission concluded its first mission in October 2017. Experts have been reported to be 'deeply disturbed' by accounts of more than 600,000 Rohingya fleeing from Rakhine state, killings, torture, sexual violence, the destruction of villages by arson, aerial attacks reportedly perpetrated against the Rohingya and the restrictions on humanitarian aid.⁴³ Myanmar's central government has also been accused of laying anti-personnel mines at different points on the border with Bangladesh, in order to impede the return of Rohingya refugees.⁴⁴

The Myanmar government has yet to ratify most international law treaties, and the vast majority of alleged violations infringe customary international law. Following the military violence after the attacks of October 2016 and August 2017, human right organizations have denounced the possible committing of crimes against humanity and/or war crimes.⁴⁵

In sum, the state's reaction seems to have been counterproductive, while the organization and capacity of ARSA appears unlikely to change due to the local and

international support that legitimizes and finances its activities. Subsequently, the denial of the situation by the authorities and the multiple allegations of human rights violations are reinforcing the climate of uncertainty and impelling further actions to be considered, such as the intervention of the UN Security Council to potentially refer the case to the International Criminal Court (ICC) as various human rights organizations have called on it to do.⁴⁶

Finally, it must not be forgotten that the armed violence

between ARSA and the state of Myanmar is just part of a plethora of subnational tensions with various ANSAs that continue amid peace efforts. The fear of

prolonged violence intensifying is tangible as allegations of international law violations continue.

MAIN ACTORS INVOLVED IN THE VIOLENCE

Tatmadaw: the official name of the Myanmar armed forces. The Tatmadaw comprises more than 350,000 members and is backed up by paramilitary forces: militias affiliated to the government and BDFs.⁴⁷

Ethnic Armed Organizations (EAOs): non-state armed actors (ANSAs) affiliated to ethnic groups. They are typically the military wings of political movements and differ in terms of size, organization, military capacity and territory. Thus, not all of them can be considered ANSAs. For instance, the strongest can have more than 5,000 members, be highly centralized and able to operate as state-like entities in regions where the state has never governed. On the other hand, smaller EAOs can be a partnership of diverse commanders with wide-ranging agendas. Despite these differences, due to constant disintegration, dissolution and inconsistent relations with the Tatmadaw, there are more than 21 EAOs at present.⁴⁸

<http://www.bbc.com/news/world-asia-41521268>, (last accessed 14 November 2017).

41 Crisis Group, Myanmar, supra fn 26, pp 1, 16.

42 UN Human Rights Council Resolution A/HRC/RES/34/22, 24 March 2017.

43 OHCHR, 'Experts of the Independent International Fact-Finding Mission on Myanmar Conclude Visit to Bangladesh', press release, 27 October 2017, <http://www.ohchr.org/EN/News-Events/Pages/DisplayNews.aspx?NewsID=22320&LangID=E>, (last accessed 14 November 2017).

44 'Myanmar Laying Landmines on Bangladesh Border: Reports', Al Jazeera, 6 September 2017, <http://www.aljazeera.com/news/2017/09/myanmar-laying-landmines-bangladesh-border-reports-170906014211124.html> (last accessed 14 November 2017).

45 O. Holmes, 'Rohingya Crisis: Amnesty Accuses Myanmar of Crimes Against Humanity', The Guardian, 18 October 2017, <https://www.theguardian.com/world/2017/oct/18/amnesty-alleges-crimes-against-humanity-in-myanmar-against-rohingya>, (last accessed 14 November 2017); 'UN: Myanmar Violence May Be Crimes Against Humanity', Al Jazeera, 4 October 2017, <http://www.aljazeera.com/news/2017/10/myanmar-violence-crimes-humanity-171004083223963.html>, (last accessed 14 November 2017).

46 HRW, 'UN Security Council: Refer Burma to the ICC', 3 November 2017, <https://www.hrw.org/news/2017/11/03/un-security-council-refer-burma-icc> (last accessed 15 November 2017).

47 Burke et al, The Contested Areas of Myanmar, supra fn 3, p 24.

48 Ibid, pp 15, 28; B. McCartan and K. Jolliffe, Ethnic Armed Actors and Justice Provision in Myanmar, The Asia Foundation, October 2016, pp 34–36, https://asiafoundation.org/wp-content/uploads/2016/10/Ethnic-Armed-Actors-and-Justice-Provision-in-Myanmar_EN.pdf (last accessed 28 November 2017).

FIGURE 3 – MOST REPRESENTATIVE ETHNIC ARMED ORGANIZATIONS (EAOS) IN MYANMAR:

1. Arakan Army (AA)
2. All Burma Student's Democratic Front (ABSDF)
3. Arakan Liberation Party (ALP)
4. Chin National Front (CNF)
5. Democratic Karin Buddhist Army (DKBA-5)
6. Kachin Independence Organization/Army (KIO/A)
7. Karenni Army/ Karenni National Progressive Party (KA/KNPP)
8. Karen National Union (KNU)
9. Karen National Union/ Karen National Liberation Army-Peace Council (KPC)
10. Lahu Democratic Union (LDU)
11. Myanmar National Democratic Alliance Army (MN-DAA)
12. National Democratic Alliance Army/Eastern Shan State (NDAA/ESS)
13. New Mon State Party (NMSP)
14. National Socialist Council of Nagaland-Khaplang (NSCN-K)
15. Pa-Oh National Liberation Organization/Army (PNLO/A)
16. Palaung State Liberation Front /Ta'ang National Liberation Army (PSLF/TNLA)
17. Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S)
18. Shan State Progress Party/Shan State Army-North (SSPP/SSA-N)
19. United Wa State Army
20. Wa National Organization
21. Arakan Rohingya Salvation Army

Militias:⁴⁹ a term frequently used to denote to a wide range of armed actors, predominantly paramilitary. Yet, 'militia' is understood here to be an armed actor that assists another. In Myanmar, militias have often been neglected, as they respond either to EAOs or the Tatmadaw. Yet, most of them have their own economic and political agenda.⁵⁰

The number of militias, as well as their interactions and affiliations, are still undetermined. For instance, in Shan state alone, 396 militias are estimated to be present.⁵¹ Accordingly, there are two main categories of militias:

- EAO militias, affiliated to EAOs.
- Militias under Tatmadaw supervision. The command structure and integration levels among these fluctuate:
 - Tatmadaw-integrated militias: incorporated into the Tatmadaw's command structure. These are known as Border Guard Forces (BGFs), which are comprised of both former EAOs and former members of the state armed forces. They respond to the orders of Regional Military Commands.
 - Tatmadaw non-integrated militias: commonly EAOs or their breakaway factions, which, despite not being directly integrated, still respond to the Tatmadaw's command and supervision.
 - Tatmadaw-supported community militias: members come from the local community. These militias are usually smaller than the other groups, lightly armed or not armed at all and trained and supervised by local Tatmadaw units.

⁴⁹ For full information and descriptions, see J. Buchanan, *Militias in Myanmar*, Asia Foundation, July 2016, pp 13–14, <https://asiafoundation.org/wp-content/uploads/2016/07/Militias-in-Myanmar.pdf> (last accessed 28 November 2017).

⁵⁰ McCartan and Jolliffe, *Ethnic Armed Actors and Justice Provision in Myanmar*, supra fn 51.

⁵¹ Buchanan, *Militias in Myanmar*, supra fn 52, pp 14–15.

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THE WAR REPORT

As an annual publication, The War Report provides an overview of contemporary trends in current armed conflicts, including key international humanitarian law and policy issues that have arisen and require attention. This article on the situation in Libya will form part of the War Report 2017.