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Burma: Key Issues in 2021

Burma (Myanmar) has been embroiled in a low-grade civil war between its military, known as the Tatmadaw, and over 20 ethnic armed organizations (EAOs) as far back as 1962, when the Tatmadaw overthrew a democratically elected civilian government. In 2011, the Tatmadaw handed power over to a hybrid civilian-military Union Government based on a 2008 constitution largely written by the Tatmadaw. The Obama and Trump Administrations attempted to foster Burma's return to democratic civilian rule by supporting the Union Government and its current leader Aung San Suu Kyi.

Major Events in 2020

For Burma, the year 2020 was marked by the continued intensification of the country's civil war, stalled peace talks, marred parliamentary elections, investigations of allegations of genocide, and the outbreak of the Coronavirus Disease 2019 (COVID-19) pandemic. Aung San Suu Kyi and her political party, the National League for Democracy (NLD), retained a supermajority following the November parliamentary elections, securing five more years in office.

Civil War

Burma's civil war intensified in 2020, despite the Tatmadaw declaring a unilateral ceasefire covering most of the nation, except Rakhine State (see **Figure 1**). Fighting between the Arakan Army (AA) and the Tatmadaw in Rakhine State escalated throughout the year, until the AA offered a ceasefire in November 2020 to allow special parliamentary elections to be held in Rakhine State. The AA, Tatmadaw, and Union Government are discussing terms for holding the special elections.

In Shan State, frequent clashes occurred between EAOs and the Tatmadaw, as parties attempted to secure control over new territory. In Kayin (Karen) State, the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU), called on the Tatmadaw to remove its troops from KNU-controlled territory after the Tatmadaw continued work on a major roadbuilding project. The fighting has internally displaced tens of thousands of civilians, and has given rise to allegations of human rights abuses, particularly by the Tatmadaw.

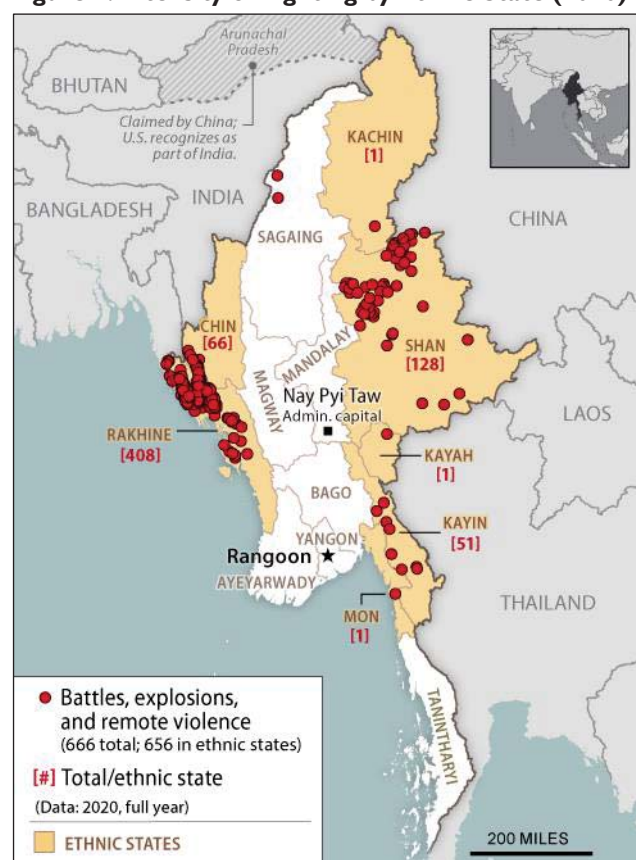
Peace Talks

In 2015, the Union Government, the Tatmadaw, and eight of the EAOs signed a multiparty ceasefire agreement. Efforts in 2020 by Aung San Suu Kyi to persuade more EAOs to sign the 2015 ceasefire agreement were unsuccessful. In March 2020, the Joint Ceasefire Monitoring Committee (JMC) established by the 2015 ceasefire agreement held its first meeting since two of the EAOs—the KNU and the Reconstruction Council of Shan State (RCSS)—suspended participation in November 2018 to protest what they perceived as Tatmadaw recalcitrance to address ceasefire violations and discuss reasonable terms

for ending the civil war. A December 2020 JMC meeting made little progress on both issues.

Representatives of the Union Government, the Tatmadaw, and the EAOs who have signed the 2015 ceasefire agreement participated in a peace conference in August 2020, but the non-signatory EAOs did not attend. The conference produced no major results.

Figure 1. Intensity of Fighting by Ethnic State (2020)



Source: CRS, with data provided by the Armed Conflict Location and Event Data Project (ACLED).

ICC and ICJ Cases

In late 2017, the Tatmadaw launched “clearance operations” against the Rohingya, a predominately Muslim ethnic minority in Rakhine State, after an EAO, the Arakan Rohingya Salvation Army (ARSA), attacked security outposts near the border with Bangladesh. More than 700,000 Rohingya fled to Bangladesh, alleging that the Tatmadaw soldiers committed serious human rights violations during the “clearance operations.”

In November 2019, the Gambia filed a case with the International Court of Justice (ICJ), accusing the Union Government of violating the Convention on the Prevention

and Punishment of the Crime of Genocide in their 2017 assault on the Rohingya. In that same month, the International Criminal Court (ICC) authorized its Prosecutor to proceed with an investigation of the alleged forced displacement of the Rohingya into Bangladesh and other alleged crimes.

On January 23, 2020, the ICJ issued “provisional measures” requiring that the Union Government and the Tatmadaw prevent acts that violate the genocide convention, and “take effective measures to prevent the destruction and ensure the preservation of evidence” related to possible criminal acts under the genocide convention. Despite the ICJ’s requirements, human rights organizations assert that the Union Government and the Tatmadaw have failed to abide by the provisional measures, and continue to engage in genocidal acts and actively destroy evidence.

Parliamentary Elections

On November 8, 2020, parliamentary elections were held across the nation, with the exception of northern Rakhine State and parts of Shan State, locations where the Union Election Commission (UEC) determined the ongoing civil war made voting unsafe. A coalition of ethnic minority parties mounted an unsuccessful campaign to win a majority of the seats in the nation’s seven ethnic states. The NLD won more than 80% of the contested seats in Burma’s Union Parliament. The pro-military Union Solidarity and Development Party (USDP) won fewer seats than it did in the 2015 parliamentary elections.

The elections were marred by procedural decisions by the UEC that disenfranchised more than 1 million eligible voters. For the second time since 2011, Rohingya were denied the right to vote in parliamentary elections. For more about the parliamentary elections, see CRS In Focus IF11687, *Burma’s 2020 Parliamentary Elections*.

Coronavirus Pandemic

Burma reported its first confirmed COVID-19 case on March 23, 2020, and its first local confirmed case on July 16, 2020. The number of cases began to rise in early August and reached a peak of nearly 1,500 per day in October 2020. The city of Yangon and Rakhine State have experienced the largest number of cases. In Kayin State, the Tatmadaw reportedly destroyed several COVID-19 testing centers set up by the KNU.

U.S. Response

In general, the Trump Administration continued the Obama Administration policy of attempting to foster democratic developments in Burma. This was done by suspending restrictions on relations with Burma imposed after the Tatmadaw seized power and supporting reforms by the Union Government. Via the annual appropriation acts, the 116th Congress provided humanitarian assistance to Burmese refugees in Bangladesh and Thailand, as well as internally displaced persons (IDPs) in Burma. The appropriation acts also placed restrictions on U.S. relations with Burma, particularly with the Tatmadaw.

Key Issues in 2021

Several issues are likely to figure prominently in Burma’s year ahead, and may factor in U.S. relations with the nation.

Addressing the Effects of the Civil War

Burma’s civil war has created more than 1 million refugees, mostly Rohingya, in Bangladesh; tens of thousands of other ethnic minority refugees in Thailand; and an estimated 200,000 IDPs within Burma who are in need of assistance and protection. According to the United Nations, since 2017, the estimated annual cost of the humanitarian assistance for the refugees in Bangladesh has exceeded \$1 billion, and assistance for Burma’s IDPs totaled more than \$200 million. Since fiscal year 2017, the United States has contributed more than \$1 billion in humanitarian assistance.

In addition, allegations of human rights violations committed by the Tatmadaw and some of the EAOs continue to be reported in the national press, while the ICC and the ICJ proceed with their investigations of past abuses. The Union Government is supposed to submit its next report to the ICJ by the end of July 2021.

Promoting Peace

Aung San Suu Kyi has plans to resuscitate the moribund peace process in 2021, but several of the major EAOs are highly skeptical of the Tatmadaw’s willingness to negotiate.

Congress appropriated funds in FY2021 “for ethnic groups and civil society in Burma to help sustain ceasefire agreements and further prospects for reconciliation and peace, which may include support to representatives of ethnic armed groups for this purpose.” In addition, USAID has contributed to the Joint Peace Fund, which “provides direct support to the [Union] Government and Ethnic Armed Organizations’ efforts in the peace process as well as supporting peace process mechanisms that involve many stakeholders, including political parties and civil society.”

Managing Intra-government Relations

The success of the NLD in the 2020 parliamentary elections is expected to return Aung San Suu Kyi to power and provide some continuity to the Union Government. Senior General Min Aung Hlaing may remain as Commander-in-Chief of the Tatmadaw (despite exceeding the mandatory retirement age), or step aside and appoint a new leader for Burma’s military. Aung San Suu Kyi has reached out to the ethnic minority political parties to discuss improving relations. Several of the parties accepted her offer, but several others remain skeptical, given her perceived disregard of minority concerns over the last five years.

Status of U.S. Restrictions on Relations

Most of the laws placing restrictions on relations with Burma remain in effect, but their enforcement has been suspended by a presidential Executive Order issued by President Obama in 2016. The Consolidated Appropriations Act, 2021 (P.L. 116-260), places additional restrictions on relations with Burma, including

- A ban on assistance to entities owned by the Tatmadaw;
- A prohibition on funding for International Military Education and Training (IMET) and Foreign Military Financing Program (FMF Program) in Burma; and
- A ban on the sale of U.S. military equipment to Burma.

For more details on U.S. restrictions on relations with Burma, see CRS Report R44570, *U.S. Restrictions on Relations with Burma*.

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