Myanmar’s Transitional Justice Period and Continued Strife

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**Abstract**

Myanmar has endured more than 50 years of strife from a military dictatorship, poor economics, and armed insurgent groups. The country has made great strides towards peace and transition by such methods as enacting a constitution and creating national ceasefires between itself and the many insurgent groups that line its borders. However Myanmar has seen a reverse in momentum in recent years and has slipped back into performing some of its more heinous of atrocities. An increase in political prisoners, including journalists and students, has caused tensions with many countries that have been viewing Myanmar on the world stage. Myanmar has also been proven to have committed an ethnic cleansing as recent as this year, leaving many people missing and presumed dead.

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**Introduction**

This paper will explain the conflict that reshaped Myanmar, from the long term dictatorship to the era of transitional peace Myanmar finds itself in now. Myanmar has suffered from instability for more than 50 years,[[1]](#footnote-0) and during this time Myanmar and its citizens have been the subjects of military dictatorship, armed conflict, economic dysfunction, and political repression[[2]](#footnote-1). Myanmar’s has had many key actors from both at home in Myanmar and abroad. There are many parties involved in the conflict in Myanmar with no less than 15 insurgent groups.[[3]](#footnote-2) This paper is crafted in the following way: The Background history of Myanmar, the catalyst of the war, war theories, the key actors, causes of war, atrocities of war, the end of conflict , the transitional justice mechanisms used to transition to peace, the country today, and the conclusion.

**Myanmar's Historical Background**

Myanmar’s history began as Burma, named after the largest ethnic group of the time by the British controlled British Raj.[[4]](#footnote-3) Burma came under british rule like many other territories during the Colonial Era, serving as a territory belonging to the British Raj.[[5]](#footnote-4) During WW2 the Burmese people sought freedom from the British and in order to achieve this they briefly allied with Japan until the Japanese government betrayed them and took over Burma in Great Britain's stead. [[6]](#footnote-5)

With the help of the British and its other colonies Burma was freed from Japanese control and released as a free state like many other of Britain's former colonies after the war.[[7]](#footnote-6) Almost immediately after Burma gained independence from Great Britain in 1948, ethnic minorities rebelled against the new government.[[8]](#footnote-7) For a short while after the end of WW2 Burma became a democracy but political unrest lead to a eventual military uprising in 1958, turning Burma into a military dictatorship. [[9]](#footnote-8)

**The Catalyst for Conflict**

Myanmar, still referred to as Burma at this point, quickly began to feel the stifling grip of the military dictatorship, especially the ethnic minorities.[[10]](#footnote-9) The military quickly went to work removing all possible threats to its power: suspending the constitution, banning opposition political parties and the All Burma Students Union, taking control of the press and isolating the country from its neighbors.[[11]](#footnote-10) Ne Win, the leader of the military dictatorship and his general both lacked the experience needed to lead a country leading the country to financial ruin.[[12]](#footnote-11) With this growing rise in financial strife many insurgent groups started forming, eventually going as high as 15 recognized groups[[13]](#footnote-12).

**War Theories**

The country of Burma was separated by religious, political, and ethnic differences. Many of the insurgent groups were formed and strengthened because of these differences as well as the living conditions brought about because of the mismanaged country.[[14]](#footnote-13) The Burmese Military also targeted ethnic group villages, displacing hundreds of thousands of minorities from their homes and villages.[[15]](#footnote-14) These displaced peoples ended up either joining insurgent group or becoming refugees to their neighboring countries like thailand.[[16]](#footnote-15)

Peoples of different political alignments are also targeted in these strategies for war.[[17]](#footnote-16) Thousands of politically repressed people were forced to flee the country for fear of the militaries ire.[[18]](#footnote-17) Some of these political involved people continued their stance to change Myanmar by forging alliances with the ethnic nationalities’ resistance movements.[[19]](#footnote-18)

**Key Actors**

The government itself being run by the military had little threat of a lack of military support. The government had many adversaries in the form of insurgent groups. Many Insurgence groups become defunct with time but many more have replaced each one that fell. Some examples of insurgent groups are the Kachin Independence Army (KIA), Ta’ang National Liberation Army (TNLA), Myanmar National Democratic Alliance Army (MNDAA), and Arakan Army (AA).[[20]](#footnote-19) Finally though these countries had little to do with the war effort, Indonesia, India, Japan, Norway, and Switzerland all participated in Myanmar’s peace process.[[21]](#footnote-20)

**Cause for War- Material and Political Interests**

Many of the insurgents fought for different reasons; some fought to stop the rampant amount of drugs produced in the country from entering their territories[[22]](#footnote-21) and others fought against the government for the serious economic strife that the government had brought down upon the region.[[23]](#footnote-22) Repressed ethnic groups and political groups also found cause to resist the military run government, many of these groups becoming armed insurgents either to make change, in retribution, or both.[[24]](#footnote-23)

**Atrocities Committed**

The Atrocities made by the government and insurgent groups in the 50 year conflict are varied and very plentiful. The military dictatorship under Ne Win pressed civilians into being porters in war zones, many of these porters, especially ethnic minority women were raped. Ne Win also had many civilians unlawfully killed and imprisoned.[[25]](#footnote-24) Many of the prisoners were jailed because of political reasons, spanning from being a possible political threats, to speaking about diverging political beliefs.[[26]](#footnote-25)

Ethnic cleansing was, and it some parts of the country still is a major atrocity that the Myanmar government has committed.[[27]](#footnote-26) During the ethnic cleansings many people of the targeted ethnic group die or go missing most of them adults both men and women.[[28]](#footnote-27) A large amount of rapes occur as the military routs the group from their villages.[[29]](#footnote-28) In many cases entire villages are destroyed, leading to hundreds of thousands of refugees.[[30]](#footnote-29)

**Beginnings of Peace**

On November 7, 2008 the Burmese government held the first elections in 20 years but many found the elections to be little more than a sham.[[31]](#footnote-30) Voting was cancelled in some regions with little to no reasons given to explain why[[32]](#footnote-31). But a few years later in 2011 Myanmar hit a little closer to the mark. The next election held brought into power a new government, one that for the first time in over 50 years was not the military or their political party. The new government under Thein Sein has been a sign to many that times are changing. One of the greatest achievements of the Thein Sein’s government was the peace process it fostered with the ethnic armed groups[[33]](#footnote-32). A nationwide ceasefire was issued 8 of the 15 armed ethnic groups agreed to[[34]](#footnote-33).

**Transitional Justice Mechanisms Used after the war**

To overcome the trials of the past five decades, many transitional justice mechanisms were utilized. From the 2008 Constitution signing to the 2011 elections that put President Thein Sein into office Myanmar’s transition into a democracy has shown to be taking large steps that surprise even some of the western states[[35]](#footnote-34). During his presidency President Thein Sein released over 2,000 political prisoners from jail and eventually brought the number of political prisoners to around 25 with the help of his Remaining Political Prisoner Scrutiny Committee[[36]](#footnote-35).

**Myanmar Today**

For 50 years Myanmar has struggled through a military dictatorship, insurgencies, economic ruin, and much more. Armed insurgent groups still line the border of the country, some that have yet to accept a cease fire.[[37]](#footnote-36) Some armed groups have even begun to raise arms again such as those in the Kachin State.[[38]](#footnote-37)

The government has been adamant about no human rights evaluation allowed. The Leaders of the National League for Democracy (NLD) have addressed those have claims of human rights abuse to remain silent if they love their country[[39]](#footnote-38). The leaders of Myanmar claim those seeking transitional justice are simply looking for revenge or criminal justice[[40]](#footnote-39).

The Myanmarian government has made great strides towards decreasing their political prisoners in the past but as of 2016 the numbers started to dip upwards once more.[[41]](#footnote-40) 50 students, a social worker, several journalists, and more were imprisoned as political prisoners in 2016.[[42]](#footnote-41)

Political Prisoners are not the only horror that is seeing a resurrection. Recently Reports of a “quiet” genocide has been making waves in the international community. [[43]](#footnote-42)By October of last year it was estimated that hundreds of Muslim Rohingya had been killed and hundreds of Rohingya women have been raped [[44]](#footnote-43) but more current reports suggest the numbers are far worse. 625,000 refugees and nearly 50,000 missing parents who are presumed dead.[[45]](#footnote-44) The current government has been releasing numbers that have not nearly matched the estimates by such groups as Doctors Without Borders and other international groups.[[46]](#footnote-45)

**Conclusion**

With a constitution that protects previous recimes from their heinous acts[[47]](#footnote-46) and recent ethnic cleansings[[48]](#footnote-47) I can say that the current unfortunate rises in anti-humanitarian actions are a sign that the country of Myanmar have taken a step backwards. The country Has spent many resources on expanding the country's economic and military sectors rather than the restoration of the country that had spent so much of the previous century being torn apart.[[49]](#footnote-48) The country of Myanmar requires real truth commissions with retributive justice laced into it to help clear out the idea that genocide of any kind is something a modern government can utilize. So far the military which held the government as a military dictatorship for decades has not had any repercussions and has remained largely influential in the current government despite the people electing a new recime.[[50]](#footnote-49) Even some of the current conflicts such as the rekindled insurgent groups in the Kachin State are pointing fingers at ongoing military abuse.[[51]](#footnote-50) A defanging of the military, a truth commission, and amendments to the constitution that limit the ability of the government to seek justice are clearly aspects in need of change.

During this time of change when the country is still in notice of the world stage is the time for Myanmar to make changes that will truly affect their future. There could be no greater shame then letting the deaths of tens of thousands of people go unanswered and allowing the people responsible to remain in power is simply insulting to their memory.

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