

### III. Armed conflict in Asia and Oceania

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Five countries in Asia and Oceania were involved in active armed conflicts in 2017: Afghanistan, India, Myanmar, Pakistan and the Philippines. In Myanmar the Rohingya were forcibly displaced (with spillover effects in Bangladesh); in places such as the Philippines state security forces committed widespread violence with impunity; and the Islamic State group moved into countries such as Afghanistan and the Philippines. Alongside this, parts of Asia and Oceania continued to be affected by instability from a variety of causes, with no single unifying trend: tensions rose in North East Asia, which is one of the world's most militarized regions, chiefly due to the nuclear weapon and ballistic missile programmes of the Democratic People's Republic of Korea (DPRK, or North Korea); interstate competition between China and its neighbours continued in the South China Sea and the East China Sea; and the India–Pakistan conflict over Kashmir reignited; relations between China and India continued to deteriorate after a military stand-off in the border area adjacent to Bhutan.<sup>1</sup> Concerns about human rights violations were also raised in many countries across the region throughout 2017.<sup>2</sup>

This section briefly discusses the background to each of the armed conflicts as well as ongoing peace processes in two countries. It discusses Nepal as an example of a peace process that is continuing despite various challenges and Sri Lanka in the context of a post-conflict peace process focused on the search for truth, justice and reconciliation.

#### Armed conflict in Afghanistan

Afghanistan has Asia's youngest population: the median age in 2017 was just 18.8 years.<sup>3</sup> Over 70 per cent of the Afghan population was born amid violent conflict, which has raged almost continuously since 1979. For many Afghans, therefore, conflict and insecurity are part of daily life. The security situation remained highly volatile in 2017 and there are no signs that the country's security situation will improve in the short to medium term.

<sup>1</sup> On military spending in Asia see chapter 4, section II, in this volume; on interstate competition in the South and East China seas, the conflict in Kashmir and tensions between India and China see chapter 1, section II, in this volume.

<sup>2</sup> See e.g. Al Hussein, Z. R., UN High Commissioner for Human Rights, 'Current development and challenges in the Asia-Pacific region', Statement at the Jakarta Conversation on the 70th year of the Universal Declaration on Human Rights and 25th year of the Vienna Declaration and Programme of Action, 5 Feb. 2018.

<sup>3</sup> US Central Intelligence Agency, 'Country comparison to the world', World Factbook, [n.d.]. Demographic data on Afghanistan has its limitations as there has been no recent census.

The United Nations recorded 23 744 security-related incidents in 2017, 63 per cent of which were attributed to armed clashes.<sup>4</sup> Insurgents made up of the Taliban, the Taliban-affiliated Haqqani network and the Islamic State–Khorasan Province (a local affiliate of the Islamic State) continued their asymmetric attacks on the Afghan National Defense and Security Forces (ANDSF) and major population centres in 2017, and these attacks remained the main cause of civilian casualties. The violence prompted the International Committee of the Red Cross to announce in October 2017 that it was reducing its presence in the country and that it could no longer continue to operate in some provinces.<sup>5</sup>

The UN Assistance Mission in Afghanistan (UNAMA) documented 3438 deaths and 7015 injuries in 2017. It attributed 65 per cent of these casualties to ‘anti-government elements’ (42 per cent to the Taliban, 10 per cent to the Islamic State–Khorasan Province and 13 per cent to undetermined ‘other anti-government elements’) and 20 per cent to pro-government forces (16 per cent to the ANDSF, 2 per cent to international military forces and 2 per cent to other pro-government armed groups) and the remaining 15 per cent to various causes, such as unattributed crossfire. Although the number of casualties decreased by 9 per cent between 2016 and 2017, a higher proportion of the casualties in 2017 (22 per cent, compared to 17 per cent in 2016) were caused by suicide bombings and other attacks using improvised explosive devices (IEDs).<sup>6</sup> The deadliest attack in Kabul since the fall of the Taliban in 2001 took place on 31 May 2017, when a large truck bomb killed at least 150 people and injured more than 300, mostly civilians.<sup>7</sup> The attack occurred just six days before the start of the Kabul Process, an Afghan Government-led peace process that includes stakeholders from neighbouring countries and further afield but in which the Taliban chose not to participate.<sup>8</sup> There was, therefore, no tangible progress towards a peace process in 2017.

The Islamic State–Khorasan Province continued to attack the Shia-majority Hazara community throughout 2017 in an apparent attempt to stoke Shia–Sunni sectarian violence, which Afghanistan has mostly avoided throughout the years of conflict.<sup>9</sup> Despite upheavals over its leadership and strategic direction in 2017, the Taliban managed to sustain the resurgence

<sup>4</sup> United Nations, General Assembly and Security Council, ‘The situation in Afghanistan and its implications for international peace and security’, Report of the Secretary-General, A/72/768–S/2018/165, 27 Feb. 2018, para. 14.

<sup>5</sup> Abed, F. and Najim, R., ‘Red Cross reduces presence in Afghanistan after staff is attacked’, *New York Times*, 9 Oct. 2017.

<sup>6</sup> UN Assistance Mission in Afghanistan (UNAMA), *Afghanistan Protection of Civilians in Armed Conflict: Annual Report 2017* (UNAMA: Kabul, Feb. 2018).

<sup>7</sup> No group claimed responsibility but the Afghan Government accused the Haqqani network. Nordland, R., ‘Death toll in Kabul bombing has hit 150, Afghan President says’, *New York Times*, 6 June 2017.

<sup>8</sup> Afghan Ministry of Foreign Affairs, ‘The Kabul Process’, 6 June 2017.

<sup>9</sup> Comerford, M., ‘Islamic State’s Khorasan Province, 2 years on’, *The Diplomat*, 26 Jan. 2017.

that it had made since the ‘triple transition’ in late 2014—the moment it was envisaged that the Afghan Government would be given autonomy by the international community over politics, security and the economy. The Afghan Government has gradually lost territory to the Taliban since that transition. By mid-2017 the Taliban was thought to control or be contesting about 45 per cent of the country—mostly in rural areas.<sup>10</sup>

The conflict appeared to have reached a deadlock in 2017, although there were growing concerns that the ANDSF might be suffering a level of casualties that is unsustainable over the long term.<sup>11</sup> As well as the ANDSF’s limited military capacity, the deadlock is also partially sustained by a combination of weak governance, political infighting, geopolitical scheming among external stakeholders and a largely dysfunctional formal economy.

US President Donald J. Trump announced a new US strategy for Afghanistan in August 2017. In its continued focus on the use of military force, the strategy mirrored those of the previous two US administrations. It did, however, propose a shift from a time-based approach to the war to one based on conditions on the ground, and it increased the number of troops deployed by an estimated 4000.<sup>12</sup> This is in addition to the estimated 8300 US soldiers of the total of 13 576 international soldiers deployed with the Resolute Support mission of the North Atlantic Treaty Organization (NATO), which was launched in 2015 to provide further training, advice and assistance to the ANDSF.<sup>13</sup> President Trump underlined that the strategy will focus not on state building, but instead on defeating the Taliban and other militant groups through (a) better training for the ANDSF; (b) training more Afghan special forces; and (c) joint Afghan–US counterterrorism operations.<sup>14</sup> This relaxing of restraints on the use of military power by the USA has the potential to increase the number of civilian casualties, and by the end of the year there was some evidence that this had already happened.<sup>15</sup>

As part of its new strategy, the USA also stated that it would seek to put more diplomatic pressure on Pakistan to prevent cross-border attacks.<sup>16</sup> Afghanistan and Pakistan blame each other for the frequency of such

<sup>10</sup> Roggio, B. and Gutowski, A., ‘LWJ map assessment: Taliban controls or contests 45% of Afghan districts’, FDD’s Long War Journal, Foundation for the Defense of Democracies (FDD), 26 Sep. 2017.

<sup>11</sup> US Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the United States Congress* (SIGAR: Arlington, VA, 30 Oct. 2017).

<sup>12</sup> ‘Trump rules out Afghan troops withdrawal’, BBC News, 22 Aug. 2017.

<sup>13</sup> The USA does not disclose exact US troop numbers for Afghanistan. For figures on Resolute Support see NATO, ‘NATO and Afghanistan’, 10 Nov. 2017; and NATO, ‘Resolute Support mission (RSM): Key facts and figures’, May 2017.

<sup>14</sup> Gibbons-Neff, T., ‘US-led mission in Afghanistan lacks troops for new strategy’, *New York Times*, 9 Nov. 2017.

<sup>15</sup> See e.g. Rasmussen, S. E., ‘Afghan civilians count cost of renewed US air campaign’, *The Guardian*, 5 Sep. 2017; and Rahim, N. and Nordland, R., ‘Did airstrikes in Afghanistan last week kill civilians? US and UN disagree’, *New York Times*, 10 Nov. 2017.

<sup>16</sup> Hirschfield Davis, J. and Landler, M., ‘Trump outlines new Afghanistan war strategy with few details’, *New York Times*, 21 Aug. 2017.

attacks, and high-level political exchanges between the two countries to try to seek a resolution to the issue continued in 2017. In addition, the two countries initiated a joint crisis-control mechanism for emergency communications, facilitated by China; and joint operations against terrorists along each other's borders, facilitated by the USA.<sup>17</sup> There were allegations throughout 2017 that Russia was financing and arming the Taliban in its fight against the Islamic State–Khorasan Province, with the aim of curbing the Islamic State's influence in Central Asia. However, it is difficult to obtain reliable information on arms supplies to the Taliban.<sup>18</sup>

### **Armed conflict in India**

In addition to its interstate tensions with China and the reignition of the territorial dispute with Pakistan over Kashmir in 2017, India faced a number of continuing internal security threats, such as the long-running Naxalite–Maoist insurgency.<sup>19</sup> The conflict in its present form began after the 2004 merger of the People's War Group (PWG) and the Maoist Communist Centre (MCC) to form the Communist Party of India-Maoist (CPI-Maoist), also known as the Naxalites. The People's Liberation Guerrilla Army (PLGA) is the armed wing of the CPI-Maoist.<sup>20</sup>

In the mid-2000s the conflict was affecting around half of India's then 28 states. However, the CPI-Maoist presence has decreased in the past decade following the launch of a counterinsurgency operation in 2009 combined with a series of social programmes initiated by the Indian Government since the mid-2000s, including the 2013 Food Security Bill and the 2005 Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). In the wake of these, the Indian Government has reported a gradual but steady decline in the level of violence since 2010, although casualties have remained in the low hundreds in each year.<sup>21</sup> In 2016, however, 433 people were reported killed in the conflict (244 CPI-Maoists,

<sup>17</sup> Afghan Ministry of Foreign Affairs, 'Joint press release by China, Afghanistan and Pakistan', 25 June 2017; and Gul, A., 'Afghanistan accepts Pakistan's offer of "coordinated" anti-terror operations', *Voice of America*, 5 July 2017.

<sup>18</sup> Rasmussen, S. E., 'Russia accused of supplying Taliban as power shifts create strange bedfellows', *The Guardian*, 22 Oct. 2017. On international arms transfers see chapter 5, section I, in this volume.

<sup>19</sup> On India–China tensions and the conflict in Jammu and Kashmir see chapter 1, section II, in this volume.

<sup>20</sup> 'India's Maoist rebels: An explainer', *Al Jazeera*, 26 Apr. 2017.

<sup>21</sup> 'Indian Parliament passes Food Security Bill', *BRICS Post*, 26 Aug. 2013, and Reddy, D. N., Reddy, A. A. and Bantilan, M. C. S., 'The impact of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) on rural labor markets and agriculture', *India Review*, vol. 13, no. 3 (2014), pp. 251–73.

123 civilians and 66 security force personnel), due in large part to one major ambush.<sup>22</sup>

In 2017 the violence centred on Chhattisgarh state, where two attacks by the PLGA, in March and April, killed at least 36 Indian security force personnel, and for the whole year the state suffered a total of 169 fatalities (78 CPI-Maoists, 32 civilians and 59 security force personnel).<sup>23</sup> Overall, in 2017 approximately 333 people were killed in the conflict, which remains deadlocked with no immediate prospects of a peace process or a political resolution—especially since the Indian Government sees its counterinsurgency strategy as effective.<sup>24</sup>

### Armed conflict in Myanmar

Between 1962 and 2011 Myanmar was ruled by a military junta that suppressed almost all dissent. The house arrest of Aung San Suu Kyi, leader of the National League for Democracy (NLD), became symbolic of this suppression. A gradual liberalization process that began in 2010 resulted in nationwide, multiparty elections in November 2015 and the election in March 2016 of the NLD's Htin Kyaw as the first non-military president since 1962. Although Aung San Suu Kyi was barred by the constitution from becoming president, she became head of government in the newly created post of state counsellor.<sup>25</sup>

The military retains considerable power. It has long supported the dominance of Myanmar's largest ethnic group, the Bamar, and this has fuelled a series of long-running insurgencies.

In many parts of the country there are serious humanitarian crises linked to large-scale food insecurity, chronic poverty and lack of adequate health care and other services as a result of decades of military rule, communal and ethnic division, structural inequality and protracted conflict.<sup>26</sup> Myanmar's ethnic minorities comprise around 40 per cent of the population and live mainly in the border areas, where many of the insurgent groups are also located. The military junta negotiated agreements with some of these groups, allowing them to administer small enclaves, but was not prepared to

<sup>22</sup> South Asia Terrorism Portal (SATP), 'Fatalities in left-wing extremism: 2016'; 'India's Maoist rebels: An explainer' (note 20); and Roy, S., 'Half a century of India's Maoist insurgency', *The Diplomat*, 21 Sep. 2017.

<sup>23</sup> Drolial, R., '25 jawans killed as Maoists attack CRPF team in Chhattisgarh's Sukma', *Times of India*, 24 Apr. 2017; and South Asia Terrorism Portal (SATP), 'Fatalities in left-wing extremism: 2017'.

<sup>24</sup> South Asian Terrorism Portal (note 23); Roy (note 22); and Chauhani, N., 'New anti-Maoist strategy delivers results, Red Corridor shrinks to 58 districts', *Times of India*, 24 Jan. 2018.

<sup>25</sup> On Myanmar's transition from military junta to democracy see Xu, B. and Albert, E., 'Understanding Myanmar', *Backgrounders*, Council on Foreign Relations, 25 Mar. 2016.

<sup>26</sup> United Nations and Partners, *Humanitarian Country Team, 2017 Myanmar Humanitarian Response Plan: January–December 2017* (United Nations: Dec. 2016).

accept a federal solution or address the grievances of ethnic minorities more broadly.<sup>27</sup>

A gradual peace process yielded a draft ceasefire in 2015, known as the Nationwide Ceasefire Agreement (NCA), but only 8 of the at least 20 ethnic armed groups that operate in Myanmar signed. As part of this peace process, a Union Peace Conference must be held every six months. The first of these conferences took place on 31 August to 4 September 2016.<sup>28</sup>

In March 2017 an insurgent group known as the Myanmar National Democratic Alliance Army (MNDAA) launched attacks against civilian, police and army targets in Laukkai in the eastern state of Shan, killing at least 30 people. The MNDAA, which did not participate in the 2015 peace process, is part of a larger uneasy coalition of insurgent groups.<sup>29</sup> The security situation in Shan remained volatile throughout the remainder of the year, as it did in Kachin state to the north, where armed conflict continued between the government and the Kachin Independence Army, the armed wing of the Kachin Independence Organization.<sup>30</sup>

The second Union Peace Conference took place on 24–29 May 2017 and was attended by around 1400 stakeholders, including representatives of the government, the parliament, the military, political parties, ethnic armed groups and civil society groups.<sup>31</sup> The conference was marked by three critical developments in the peace process: (a) the refusal of the United Nationalities Federal Council, a powerful group of non-signatories to the NCA, to participate, despite earlier compliance with the process; (b) the issue of secession and different understandings of federalism re-emerging as dividing lines among stakeholders; and (c) China's growing role in the dialogue process, particularly in terms of mediating the participation of ethnic armed groups based in northern and north-eastern Myanmar.<sup>32</sup>

While the fact that the conference took place at all—after a delay of almost three months—meant that some, albeit limited, progress was made, events in the north of Rakhine state in August 2017 underlined the fragility of the fledgling peace process. The Rohingya, a predominantly Sunni Muslim ethnic group chiefly based in Rakhine in the west of Myanmar, have repeatedly faced discrimination, denial of basic rights, forced displacement and

<sup>27</sup> 'Ending Myanmar's insurgencies: A long road', *The Economist*, 10 Sep. 2016.

<sup>28</sup> International Crisis Group (ICG), *Myanmar's Peace Process: Getting to a Political Dialogue*, Crisis Group Asia Briefing no. 149 (ICG: Brussels, 19 Oct. 2016).

<sup>29</sup> Moe, W. and Ives, M., 'Attacks by rebels in Myanmar leave dozens dead', *New York Times*, 7 Mar. 2017; and Davis, A., 'Myanmar's army struggles against a strong new rebel alliance', *Nikkei Asian Review*, 6 Apr. 2017.

<sup>30</sup> Thompson, N., 'Myanmar's unhappy rebels', *The Diplomat*, 8 Jan. 2018; and Naw, S., 'Myanmar's other ethnic atrocity', *Asia Times*, 27 Dec. 2017.

<sup>31</sup> Kipgen, N., 'The continuing challenges of Myanmar's peace process', *The Diplomat*, 6 June 2017.

<sup>32</sup> Choudhury, A., 'Second 21CPC and Myanmar's stuttering peace process', *Institute of Peace and Conflict Studies*, 28 June 2017; and Kipgen (note 31).

intercommunal violence since the 1980s.<sup>33</sup> The conflict includes intercommunal and political dimensions. Anti-Muslim sentiment is widespread among the armed forces, large sectors of civil society (especially radical Buddhist groups) and even among members of the NLD. Hence, some of the violence against the Rohingya has been committed by communal groups rather than state security forces. On the political level more generally, the NLD remains weak in relation to the armed forces on all security-related matters.

In a serious escalation of this long-standing conflict, on 25 August militants from the Arakan Rohingya Salvation Army (ARSA)—a relatively new ethnic armed group that claims to be defending the rights of the Rohingya—launched coordinated attacks on 30 police posts and an army base.<sup>34</sup> Around 80 militants and 12 members of the security forces were killed. The military responded by carrying out ‘clearance operations’, during which there is evidence that Rohingya villages were burned, and by evacuating around 4000 non-Muslim civilians from the area.<sup>35</sup> Up to 38 000 Rohingya people subsequently attempted to flee to Bangladesh.<sup>36</sup> By early September it was estimated that over 580 000 Rohingya civilians had fled across the border, prompting one of the fastest-growing refugee crises since World War II.<sup>37</sup>

The Government of Myanmar denied access to the area to a UN fact-finding mission, most international aid agencies and journalists.<sup>38</sup> The UN Human Rights Council accused the Myanmar military of ethnic cleansing, while other observers and agencies made accusations of sexual violence and crimes against humanity.<sup>39</sup> Senior Myanmar officials denied these accusations, but the members of the European Union (EU) and the United States responded by either suspending or restricting defence cooperation with the

<sup>33</sup> On discriminatory legislation against the Rohingya see ‘Still oppressed: Rohingya policies and restrictions under Myanmar’s new government’, Joint briefing paper, International Federation for Human Rights (FIDH) and Alternative ASEAN Network on Burma, 26 Oct. 2016.

<sup>34</sup> The Arakan Rohingya Salvation Army was formerly known as the Harakah al-Yaqin (HaY). International Crisis Group (ICG), *Myanmar: A New Muslim Insurgency in Rakhine State*, Asia Report no. 283 (ICG: Brussels, 15 Dec. 2016). On the attacks and the aftermath see e.g. International Crisis Group, ‘Myanmar tips into new crisis after Rakhine State attacks’, 27 Aug. 2017.

<sup>35</sup> Human Rights Watch, ‘Burma: 40 Rohingya villages burned since October’, 17 Dec. 2017.

<sup>36</sup> ‘Nearly 40,000 Rohingya fled escalating Myanmar fighting: UN sources’, Reuters, 1 Sep. 2017.

<sup>37</sup> Ramzy, A., ‘Rohingya refugees fleeing Myanmar await entrance to squalid camps’, *New York Times*, 18 Oct. 2017.

<sup>38</sup> International Crisis Group, ‘The Rakhine State danger to Myanmar’s transition’, 8 Sep. 2017.

<sup>39</sup> Al Hussein, Z. R., UN High Commissioner for Human Rights, ‘Darker and more dangerous: High Commissioner updates the Human Rights Council on human rights issues in 40 countries’, Opening Statement, UN Human Rights Council 36th session, 11 Sep. 2017. See also e.g. Amnesty International, ‘Myanmar: Crimes against humanity terrorize and drive Rohingya out’, 18 Oct. 2017; Human Rights Watch, ‘Burma: New satellite images confirm mass destruction’, 17 Oct. 2017; and Human Rights Watch (HRW), ‘*All of My Body Was Pain: Sexual Violence against Rohingya Women and Girls in Burma*’ (HRW: New York, Nov. 2017).



country.<sup>40</sup> There were also reports that the Myanmar security forces were building fences and placing landmines along the border to deter people from crossing into Bangladesh.<sup>41</sup> Médecins Sans Frontières estimated that 9000–13 700 Rohingya people, including at least 1000 children under the age of five, died between August and September 2017, with about 71 per cent suffering ‘violent deaths’ and the remainder dying of starvation or other causes as a result of fleeing the violence.<sup>42</sup>

In Bangladesh an estimated 700 000–900 000 Rohingya, including those displaced earlier, required urgent humanitarian assistance. Although the capacity of Bangladesh to respond was limited, it established a camp at Kutupalong to accommodate 800 000 people and coordinated with international humanitarian partners to install basic facilities and obtain medical supplies.<sup>43</sup> In September 2017 the UN Office for the Coordination of Humanitarian Affairs (OCHA) and its partners published a preliminary response plan requesting \$77 million in funding for the crisis unfolding in Myanmar and Bangladesh, which was later increased to \$434 million.<sup>44</sup> As part of an effort to share the cost of the response, on 23 October 2017 a pledging conference organized by OCHA, the office of the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), and co-hosted by the EU and Kuwait, raised \$360 million.<sup>45</sup>

Efforts to facilitate the voluntary and safe return of the displaced Rohingya faced severe problems, not least that Bangladesh and Myanmar disagreed on the terms for repatriation. Bangladesh favoured UN involvement, while Myanmar wanted the repatriation to be managed in accordance with a 1992 agreement between the two countries, which was negotiated following a previous case of mass displacement.<sup>46</sup>

<sup>40</sup> Oliphant, R. and Connor, N., ‘Britain to stop training Burmese military until Rohingya crisis is resolved’, *Daily Telegraph*, 19 Sep. 2017; Agence France-Press, ‘European Union to cut ties with Myanmar military chiefs over Rakhine crisis’, *Frontier Myanmar*, 12 Oct. 2017; and Martin, M. F., Margesson, R. and Vaughn, B., *The Rohingya Crises in Bangladesh and Burma*, Congressional Research Service (CRS) Report for Congress R45016 (US Congress, CRS: Washington, DC, 8 Nov. 2017).

<sup>41</sup> Das, K. N., ‘Bangladesh protests over Myanmar’s suspected landmine use near border’, Reuters, 5 Sep. 2017. On landmines see also chapter 9, section II, in this volume.

<sup>42</sup> Médecins Sans Frontières, ‘Myanmar/Bangladesh: MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar’, 12 Dec. 2017.

<sup>43</sup> Arora, M. and Westcott, B., ‘Bangladesh to move 800,000 Rohingya into single enormous camp’, CNN, 23 Oct. 2017; and World Health Organization, ‘900,000 vaccines “en route” to Cox’s Bazar to prevent cholera’, Press Release 1666, 29 Sep. 2017.

<sup>44</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), *2017 Humanitarian Response Plan: September 2017–February 2018: Rohingya Refugee Crisis* (OCHA: Oct. 2017).

<sup>45</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), ‘Rohingya refugee crisis: Pledging conference’, [n.d.]; and Pledging Conference for the Rohingya Refugee Crisis, ‘Pledges’, 23 Oct. 2017.

<sup>46</sup> Cameron-Moore, S., ‘Myanmar warns UN scolding could harm talks with Bangladesh on Rohingya crisis’, Reuters, 8 Nov. 2017; and Zaman, S. S., ‘Repatriating Rohingya under 1992 agreement “will be difficult”’, *Dhaka Tribune*, 5 Oct. 2017.



The day before the August 2017 attacks, a special international commission established by Aung San Suu Kyi and headed by Kofi Annan, a former UN Secretary-General, had made a series of recommendations on how to end ethnic tensions in Rakhine. These included a call for the repeal of a law that restricts the rights of Rohingya to citizenship and better implementation of the rule of law.<sup>47</sup> Aung San Suu Kyi accepted most of those recommendations and on 9 October appointed a committee to implement them, but by the end of the year the extent to which they had been implemented remained unclear.<sup>48</sup> Myanmar and Bangladesh signed a repatriation agreement on 23 November 2017 but at the end of the year UN agencies stated that the conditions for voluntary and safe repatriation of refugees did not yet exist, and most aid agencies were still barred from working in Rakhine.<sup>49</sup>

Addressing the grievances of ethnic minorities is one of the key obstacles to achieving a sustainable peace process in Myanmar, and the Rohingya refugee crisis compounds that challenge. A three-phase peace proposal by China in late November seemed to offer a pragmatic solution to the crisis. However, at the end of 2017, there was little indication that the proposal was being taken up.<sup>50</sup> Moreover, because of the intercommunal and political dimensions of the conflict, there is no domestic political actor, not even among other ethnic minority groups, that is currently willing to play a moderating role within Myanmar.

### **Armed conflict in Pakistan**

Pakistan's disputes with neighbouring India and Afghanistan periodically erupt into violence. It also faces serious internal security threats. Domestic attacks involving disparate armed groups and counteroffensives by the Pakistani military have killed tens of thousands of Pakistanis over the past decade and displaced nearly 1.5 million people.<sup>51</sup> Although the security situation in Pakistan has improved in recent years, significant levels of violence continued throughout 2017, including some of the deadliest attacks since 2014.

In February 2017 a number of attacks by the Islamic State, Tehrik-i-Taliban Pakistan (TTP, the Taliban Movement of Pakistan) and other militants were

<sup>47</sup> Advisory Commission on Rakhine State (ACRS), *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine*, Final Report of the ACRS (ACRS: Yangon, Aug. 2017).

<sup>48</sup> Martin, Margesson and Vaughn (note 40), p. 13.

<sup>49</sup> 'Myanmar Rohingya crisis: Deal to allow return of Muslim refugees', BBC News, 23 Nov. 2017; International Crisis Group (ICG), *Myanmar's Rohingya Crisis Enters a Dangerous New Phase*, Asia Report no. 292 (ICG: Brussels, 7 Dec. 2017); and Cumming-Bruce, N., 'Myanmar's Rohingya actions may be genocide, UN official says', *New York Times*, 5 Dec. 2017.

<sup>50</sup> Ge, H., 'China's pragmatic solution to Rohingya crisis', *Global Times*, 26 Nov. 2017; and Venkat-achalam, K. S., 'Can China solve the Rohingya crisis?', *The Diplomat*, 2 Dec. 2017.

<sup>51</sup> 'The current situation in Pakistan', Fact sheet, United States Institute of Peace, 9 Jan. 2017.

carried out on state, religious and other targets. These included a suicide attack on 16 February on one of the country's most prominent Sufi shrines, in Sindh province, for which the Islamic State claimed responsibility. The attack killed at least 88 people and injured more than 200. The Pakistan military accused 'hostile powers' of directing the attacks and using sanctuaries in Afghanistan.<sup>52</sup> It enforced an indefinite closure of the Pakistan–Afghanistan border and attacked several targets inside Afghanistan. On 22 February Pakistan launched a new nationwide counterterrorism operation, with a focus on Punjab province.<sup>53</sup>

However, the counterterrorism approach had limitations. Despite the launch of a second counterterrorism operation in July in the Rajgal Valley, in the Federally Administered Tribal Areas, close to the border with Afghanistan, attacks by armed groups continued throughout the year.<sup>54</sup> In addition, there were growing concerns over the large number of 'disappearances' of people—largely attributed to the activities of the security services in combating the insurgency in Balochistan province—and about a crackdown on international non-governmental organizations working in the country.<sup>55</sup> The latter was part of a wider backlash against Western donors, and a decision by the Pakistan Government to reduce reliance on them as a result of the new economic and security opportunities opened up by the China–Pakistan Economic Corridor.<sup>56</sup>

### Armed conflict in the Philippines

In 2014 the Moro Islamic Liberation Front (MILF) signed a peace agreement with the Philippine Government in an attempt to transform one of Asia's longest and deadliest conflicts.<sup>57</sup> However, ending the insurgency by the New People's Army (NPA)—the armed wing of the Communist Party of the Philippines (CPP) and its political umbrella organization, the National Democratic Front (NDF)—has proved more elusive. The NPA has been waging

<sup>52</sup> Boone, J., 'Pakistan launches crackdown as Isis shrine attack toll rises to 88', *The Guardian*, 17 Feb. 2017; and Khan, M. H., Khushik, Q. A. and Ali, I., 'At least 70 dead as bomb rips through Lal Shahbaz shrine in Sehwan, Sindh', *Dawn*, 22 Feb. 2017.

<sup>53</sup> 'Pakistan's army launches "Operation Radd-ul-Fasaad" across the country', *Dawn*, 22 Feb. 2017.

<sup>54</sup> Gul, A., 'Pakistan unleashes new anti-IS military operation near Afghan border', *Voice of America*, 16 July 2017; Rasmussen, S. E., 'Dozens killed in two separate attacks in Pakistan on eve of Eid', *The Guardian*, 23 June 2017; and Khan, I., 'Pakistani Taliban dressed in burqas kill students at dormitory', *New York Times*, 1 Dec. 2017.

<sup>55</sup> Stacey, K. and Bokhari, F., 'Pakistan orders expulsion of 29 international NGOs', *Financial Times*, 14 Dec. 2017; and Hadid, D., 'Concern grows in Pakistan over cases of disappearance', *National Public Radio*, 14 Dec. 2017.

<sup>56</sup> Shafqat, S., 'CPEC and the Baloch insurgency', *The Diplomat*, 8 Feb. 2017. See also Ghiasy, R. and Zhou, J., *The Silk Road Economic Belt: Considering Security Implications and EU–China Cooperation Prospects*, SIPRI and Friedrich Ebert Stiftung (SIPRI: Stockholm, 2017), p. 37.

<sup>57</sup> On the peace process with MILF see Svensson, I. and Lundgren, M., 'Mediation and peace agreements', *SIPRI Yearbook 2014*, pp. 51–52.

a guerrilla war against the Philippine Government since 1969 and, despite losses, has continued to operate in many provinces.<sup>58</sup> Talks between the NDF and the government have been sporadic over the years.<sup>59</sup>

Rodrigo Duterte was inaugurated as president of the Philippines on 30 June 2016. In office, he restarted the stalled peace talks with the CPP, with Norway acting as a third-party facilitator for two rounds.<sup>60</sup> After four rounds of peace talks in nine months, the suspension of a fifth and the failure of each side's respective unilateral ceasefire—and amid increasingly angry rhetoric between Duterte and leaders of the NDF—the government formally ended the peace talks in November 2017. On 5 December Duterte designated the CPP–NPA as a terrorist group.<sup>61</sup>

Duterte's presidency has been beset with controversy. Among the most contentious of his policies is his anti-drugs campaign, in which he has called on citizens and the police to conduct extrajudicial killings of suspects. Thousands are thought to have died.<sup>62</sup> While aid and trade restrictions have been introduced by the USA and the EU as a result of the human rights implications of this 'war on drugs', other countries—most notably China and Russia—have expressed unconditional support for the policy.<sup>63</sup>

Duterte caused further controversy in May 2017 when he imposed martial law on Mindanao and associated islands in response to an attempt to take over the city of Marawi by armed non-state actors aligned with the Islamic State, such as the Maute Group (which also calls itself the Islamic State of Lanao) and a faction of the Abu Sayyaf Group (ASG).<sup>64</sup> After a five-month siege of the city by government forces, which included the use of air strikes, the Philippine Government retook Marawi in October. An estimated 360 000 people were displaced by the conflict and, according to official government figures, 920 militants, 165 soldiers and 47 civilians were killed in the fighting.<sup>65</sup> However, research by Amnesty International suggests that

<sup>58</sup> Cane, P., 'Philippines sees resurgence in communist violence', *NYA*, 25 Oct. 2017.

<sup>59</sup> On the peace talks see 'Timeline: The peace talks between the government and the CPP–NPA–NDF, 1986–present', *GMA*, 6 Dec. 2017.

<sup>60</sup> 'Timeline: The peace talks between the government and the CPP–NPA–NDF, 1986–present' (note 59).

<sup>61</sup> Santos, E. P., 'How peace talks with communist rebels failed', *CNN Philippines*, 31 Dec. 2017; and Punay, E., 'DOJ to seek declaration of CPP–NPA as terrorist group', *Philippine Star*, 26 Dec. 2017.

<sup>62</sup> Holmes, O., 'Rodrigo Duterte pulls Philippine police out of brutal war on drugs', *The Guardian*, 12 Oct. 2017.

<sup>63</sup> Kine, P., 'Philippine President Rodrigo Duterte's "war on drugs"', *Harvard International Review*, 14 Oct. 2017.

<sup>64</sup> 'Rodrigo Duterte has declared martial law in the southern Philippines', *The Economist*, 25 May 2017.

<sup>65</sup> Philippine Department of Social Welfare and Development (DSWD), Disaster Response Assistance and Management Bureau, Disaster Response Operations Monitoring and Information Center (DROMIC), 'DSWD DROMIC Report #93 on the armed conflict in Marawi City', 14 Oct. 2017; and Gomez, J., 'Philippines declares end to 5-month militant siege in Marawi', *Associated Press*, 23 Oct. 2017.

the civilian death toll is likely to have been much higher, and it called for an investigation into the proportionality of the force used and the resulting destruction of civilian infrastructure and loss of civilian life.<sup>66</sup> On 13 December Duterte extended martial law in Mindanao for another year.<sup>67</sup>

Many of the insurgents involved in the attack on Marawi were thought to be former fighters from MILF or a number of other Islamist armed militant groups, such as the Bangsamoro Islamic Freedom Fighters (BIFF).<sup>68</sup> Their alignment with the Islamic State and willingness to stage large-scale attacks, as in the case of Marawi, pose major threats to the stability of the government's ongoing peace process with MILF—not least because the Islamic State-affiliated groups form a radical alternative to MILF. Reintegrating former fighters and moving the peace process forward therefore remain pressing challenges, not only because of the situation on Mindanao, but also due to opposition within the Philippine armed forces and the Congress. As of July 2017 only 145 combatants had been demobilized under the 2014 peace agreement with MILF, providing other armed groups with ample opportunities for recruitment.<sup>69</sup>

### **The peace process in Nepal**

The long-running 1995–2006 Nepalese Civil War between the Communist Party of Nepal-Maoist (CPN-M) and the Nepalese monarchy, which resulted in the deaths of around 18 000 people, ended with the signing of the Comprehensive Peace Accord (CPA) in 2006.<sup>70</sup> As well as marking the official end to violence, the CPA dealt with issues of social and political transformation and inclusion. The post-conflict political landscape was opened up to new elements, including the CPN-M, which emerged as the largest party in the 2008 election to the first Constituent Assembly. In 2012 the Maoist People's Liberation Army—the armed wing of the CPN-M—which had been confined to cantonments for over six years, was finally disbanded. In elections in 2013

<sup>66</sup> Amnesty International, *The Battle of Marawi: Death and Destruction in the Philippines* (Amnesty International: London, Nov. 2017).

<sup>67</sup> Rauhala, E., 'Liberated and angry', *Washington Post*, 9 Dec. 2017; and Villamor, F., 'Philippines extends martial law in south for another year', *New York Times*, 13 Dec. 2017.

<sup>68</sup> Postings, R., 'The battle of Marawi: A brief summary', *International Review*, 24 Dec. 2017; and Reuters, 'Who are the ISIS-linked Maute group militants terrorizing the Philippines?', *Newsweek*, 23 June 2017.

<sup>69</sup> Third Party Monitoring Team, 'Fourth Public Report, March 2016 to June 2017', 28 July 2017, p. 14.

<sup>70</sup> Nepal Institute for Policy Studies (NIPS), *Nepal's Peace Process: A Brief Overview* (NIPS: Kathmandu, July 2013).

to the second Constituent Assembly, the more established political parties regained ascendancy.<sup>71</sup>

Following two devastating earthquakes in 2015, the three largest political parties in the Constituent Assembly—the Nepali Congress, the CPN Unified Marxist–Leninist (CPN-UML) and the Unified CPN–M—along with the largest party representing the Madhesi people, the Madhesi Janadhikar Forum–Democratic (MJF–D), decided to fast-track the adoption of a new constitution, which was adopted in September 2015. At least 46 people were killed in weeks of unrest in the run-up and immediately after the promulgation of the new constitution, which was amended in 2016 to ensure a higher degree of inclusion.<sup>72</sup>

While the Nepali state has been fundamentally transformed since the 2006 CPA, Nepal remains one of the world’s poorest countries and still relies heavily on remittances (especially from Nepalese workers in India), aid and tourism.<sup>73</sup> At the start of 2017 issues of political inclusion and transitional justice still loomed large.

Sher Bahadur Deuba, leader of the Nepali Congress party, became prime minister in June 2017, in a scheduled transfer of power following the resignation of Pushpa Kamal Dahal, leader of the CPN–Maoist Centre (CPN–MC), formerly the Unified CPN–M.<sup>74</sup> The two coalition partners had agreed in August 2016 to rotate the post. In elections to the 275-member House of Representatives held on 26 November and 7 December 2017, the Left Alliance—formed in October by the CPN–UML and the CPN–MC—won a near two-thirds majority. The elections were the next step in implementing the new constitution that it is hoped will lead to an era of political stability and economic development.<sup>75</sup>

Although the question of transitional justice for the victims of conflict is yet to be resolved, Nepal’s peace process has already had major successes, with the integration of former combatants into the national army and wider society, and implementation of the new constitution.<sup>76</sup> Nepal has also taken concerted steps to reform its security sector and increase the participation

<sup>71</sup> Nepal Institute for Policy Studies (note 70); and Thapa, D. and Ramsbotham, A. (eds), *Two Steps Forward, One Step Back: The Nepal Peace Process*, Accord no. 26 (Conciliation Resources: London, Mar. 2017).

<sup>72</sup> Thapa and Ramsbotham (note 71); and ‘Nepal’s election may at last bring stability’, *The Economist*, 23 Nov. 2017.

<sup>73</sup> Sapkota, C., ‘Remittances in Nepal: Boon or bane?’, *Journal of Development Studies*, vol. 49, no. 10 (2013), pp. 1316–31; and World Bank, *Nepal Development Update: Remittances at Risk* (World Bank: Washington, DC, May 2016).

<sup>74</sup> ‘Sher Bahadur Deuba elected 40th PM of Nepal’, *Kathmandu Post*, 6 June 2017.

<sup>75</sup> ‘Nepal’s election may at last bring stability’ (note 72); and Pattison, P., ‘“Politics is still a man’s game”: Can Nepal’s elections finally bring stability?’, *The Guardian*, 24 Nov. 2017.

<sup>76</sup> Bhandari, C., ‘The reintegration of Maoist ex-combatants in Nepal’, *Economic and Political Weekly*, 28 Feb. 2015.

of women in the security forces, although barriers to their meaningful participation remain.<sup>77</sup>

### The peace process in Sri Lanka

The war between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers), which began in 1983, ended when government forces seized the last area controlled by the LTTE in 2009. However, recriminations over abuses by both sides continue. Following the election of President Maithripala Sirisena in 2015, expectations were raised that a formal investigation would be undertaken into war crimes carried out during the conflict. In 2016 the government set up the Office of Missing Persons to trace the more than 20 000 people who disappeared during the conflict. Little progress has been made, however, with finding out the truth of what happened to those who disappeared.<sup>78</sup>

In 2015 President Sirisena agreed to establish a war crimes court as recommended in the comprehensive report on Sri Lanka by the Office of the UN High Commissioner for Human Rights (OHCHR) and in a UN Human Rights Council resolution that was co-sponsored by Sri Lanka.<sup>79</sup> It was intended that the court would be made up of both Sri Lankan and international judges and would put on trial those suspected of committing war crimes and crimes against humanity during the conflict. Again, however, progress with establishing the tribunal has been slow.<sup>80</sup>

The Consultation Task Force on Reconciliation Mechanisms appointed by the Sri Lankan Government in February 2016 released its final report on 3 January 2017.<sup>81</sup> This was the first broad survey of Sri Lankan citizens' aspirations for truth and justice, including their views on the proposed mech-

<sup>77</sup> Racovita, M., *Women in State Security Provision in Nepal: Meaningful Participation?* Briefing Paper (Small Arms Survey: Geneva, Mar. 2018). On the wider importance of gender in the peace process see Baniya, J. et al., *Gender and Nepal's Transition from War*, Accord Spotlight (Conciliation Resources: London, Sep. 2017).

<sup>78</sup> Hart, M., 'The long road to justice for Sri Lanka civil war victims', *Geopolitical Monitor*, 4 Dec. 2017.

<sup>79</sup> United Nations, General Assembly, Human Rights Council, Comprehensive Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, A/HRC/30/61, 28 Sep. 2015; and United Nations, General Assembly, Human Rights Council, Resolution 30/1, 'Promoting reconciliation, accountability and human rights in Sri Lanka', 1 Oct. 2015, A/HRC/RES/30/1, 14 Oct. 2015.

<sup>80</sup> Sirilal, R., 'UN says Sri Lanka's delay in post-war reconciliation involves risks', *Reuters*, 23 Oct. 2017; and 'Sri Lanka leader to shield general from war crimes case', *Al Jazeera*, 3 Sep. 2017.

<sup>81</sup> The report was completed in Nov. 2016 but was not released until Jan. 2017. Vol. I of the report contains the task force's observations during the consultation process and its recommendations regarding the 4 transitional justice mechanisms. Vol. II contains the reports of the zonal task forces submitted to the task force after the conclusion of public meetings and focus group discussions in the zones. Consultation Task Force on Reconciliation Mechanisms (CTF), *Final Report of the Consultation Task Force on Reconciliation Mechanisms*, vol. I, and *Consolidated Report: Zonal Task Forces on Reconciliation Mechanisms*, vol. II (CTF: Nov. 2016).

anisms set out in the UN Human Rights Council resolution. In addition to endorsing the proposal for a war crimes court with no time limit on its jurisdiction, among the task force's other recommendations are financial and symbolic reparations, a constitutional and political settlement, resolution of long-standing land disputes, and greater attention to psychosocial needs.<sup>82</sup>

March 2017 was the deadline set for implementing recommendations in the UN Human Rights Council resolution on establishing a war crimes court and reparations for victims. It passed without the commitments being met. Sri Lanka was given a two-year extension by the Human Rights Council to enact the reforms.<sup>83</sup> Although the government has introduced some limited reforms, the longer it delays the implementation of a valid process for establishing the truth of what happened during the conflict and securing justice for those affected, the more likely it is that intercommunal tensions will increase.<sup>84</sup> In May and again in November 2017, for example, there were outbreaks of Buddhist violence and intimidation against Muslims.<sup>85</sup>

<sup>82</sup> Human Rights Watch, 'Sri Lanka: Adopt task force's justice proposals', 12 Jan. 2017.

<sup>83</sup> Aneez, S., 'UN presses Sri Lanka to meet commitments on war crimes investigations, reform', Reuters, 23 Mar. 2017.

<sup>84</sup> Cronin-Furman, K., 'Why a Sri Lankan leader might be tried for war crimes in Brazil', *Washington Post*, 30 Aug. 2017.

<sup>85</sup> 'Militant Buddhist extremism resurfaces in Sri Lanka', *Southeast Asian Monitor*, 23 May 2017; and 'Sri Lanka violence: 19 held amid Buddhist-Muslim street clashes', BBC News, 18 Nov. 2017.