

A NATION LEFT BEHIND

**MYANMAR'S WEAPONIZATION OF
COVID-19**

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June 2020

About Us

‘Progressive Voice,’ or in Burmese, ရှေ့ပြေးအသံအဖွဲ့. ‘Shay Pyay Athan,’ was born out of Burma Partnership, a network of organizations throughout the Asia-Pacific region, advocating for and mobilizing a movement for democracy and human rights in Myanmar that was established in 2006.

Progressive Voice is a participatory rights-based policy research and advocacy organization rooted in civil society, that maintains strong networks and relationships with grassroots organizations and community-based organizations throughout Myanmar. It acts as a bridge to the international community and international policymakers by amplifying voices from the ground, and advocating for a rights-based policy narrative.

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Myanmar leaves no one behind in its fight against COVID-19.”¹

Statement by the Ministry of Foreign Affairs, headed by Aung San Suu Kyi, on 10 April 2020, describing the government's pandemic response in conflict-torn Rakhine State.

Introduction

With the endorsement of the National League for Democracy (NLD) government, the Myanmar military has weaponized the COVID-19 pandemic and used it to intensify its repression of ethnic communities, rights defenders, and the media, all while advancing a vision for the country in which its own permanent role in politics is ensured.

Progressive Voice's desk-based research for this paper relied on a review of media reports and civil society and government statements from 23 March until 10 May on COVID-19 response strategies, the intensifying civil war, and the diminishing tolerance for dissent in this increasingly dangerous context. Both interna-

tional and local news sources were consulted, with a notable reliance on coverage by independent ethnic media outlets whose websites are now being blocked by a government order issued during the pandemic that has classified them as “fake news.” Due to the community-based nature in which they operate, ethnic media outlets have often been the only media organizations able to provide updates on the human rights abuses and the combined political and health crisis currently facing Myanmar's most vulnerable communities, some of whom are also struggling with a state-imposed internet blackout. Their documentation and reporting have been invaluable.

¹ Ministry of Information, Republic of the Union of Myanmar. “Office of the State Counsellor releases statement expressing sadness over civilian casualties in Rakhine, Chin states.” 22 April 2020. Available at: <https://www.moi.gov.mm/moi:eng/?q=news/22/04/2020/id-21447>

The content of this analysis is divided into seven sections:

1**COVID-19 and Myanmar's Securitized Response****2****One Day, Three Declarations****3****Government Declarations Give Way to Arrests****4****Ethnic Responses to COVID-19 in the Context of Government Exclusion, Resistance****5****Coronavirus and the Civil War****6****Political Exploitation of the Virus: 'Fake News,' Misinformation, and Hate Speech****7****Same Centralized Health System, Same Aid Structures, New Virus**

23 March was chosen as the starting point in organizing the data because it is the day in which the government made three major announcements that later proved to empower the military: the confirmation of COVID-19 in the country; the declaration of the Arakan Army (AA) as a terrorist organization; and the issuing of an order by the Ministry of Communications and Transport (MoTC) to telecommunications providers to block the websites of alleged “fake news.” The 23 March declarations set into motion a series of shutdowns and arrests of voices critical of the military, including a block on multiple independent ethnic media sites reporting from conflict areas and legal charges against their editors. The crackdown highlights a pattern in which the government issues a directive demonizing a perceived Myanmar military enemy, and state security forces use it to selectively silence their critics. It serves as a warning to anyone even remotely associated with – or who may have had contact with – ethnic armed organizations (EAOs) that they could be the next target of repressive measures.

Within days of the announcements, the military was placed at the head of the country's COVID-19 emergency response committee, a team with no representation from the Ministry of Health and Sports (MoHS), and powers to prosecute anyone deemed to be spreading “misinformation.” In signing the committee into action, the NLD government essentially offered up a path through which the military could continue its operations and further

restrict rights and freedoms in the name of fighting the virus.

That is what the Myanmar military did. It amplified its offensives against the newly minted “terrorist” AA after more than one year of brutal fighting in Rakhine and Chin States. During the short span of this report, it was found that more than 30,000 people had been displaced in the violence. In addition, at least 174 people have been killed and 229 wounded in Rakhine and Chin States due to armed conflict, according to a local civil society organization, Burma Monitor. Former UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has described the military's targeting of civilians in the region during the pandemic as potentially “amount[ing] to war crimes and crimes against humanity.”²

Throughout the COVID-19 pandemic, the Myanmar state has crafted a narrative in which it claims to be utilizing all available resources to care for vulnerable communities, in spite of efforts by EAOs to destabilize them. With no offers of support from the government for COVID-19 prevention for more than one month, EAOs launched their own respective health campaigns in their territories to fight the virus. These activities have been met with Myanmar military obstruction that ranges from threats against civilians for accepting material support from EAO medics to the destruction of their medical checkpoints. Meanwhile, international assistance continues to flow to the central government – and by default, the military – in the name of pandemic response,

2 UN OHCHR. “Myanmar: “Possible war crimes and crimes against humanity ongoing in Rakhine and Chin States” – UN Special Rapporteur Yanghee Lee.” 29 April 2020. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E>

while ethnic health organizations serving conflict-affected communities are sidelined by existing humanitarian aid structures.

It is critical to emphasize that the repression and violence outlined here are not new tactics used by the Myanmar government or the Myanmar military. The state has long been accused by civil society and UN investigatory bodies of violating international law and humanitarian law during its seven decades of civil war. Most recently, Myanmar is facing a case brought against it by The Gambia at the International Court of Justice (ICJ) in violation of the Genocide Convention for its grave human rights violations against the Rohingya in 2017. At the same time, Myanmar is also facing alleged crimes of deportation, persecution and other crimes that have been committed, which fall under the jurisdiction of the International Criminal Court (ICC). Despite these cases that are being brought against Myanmar, Myanmar military offensives and clashes have continued

on multiple fronts in Shan, Karen, Rakhine and Chin States during the COVID-19 pandemic, despite calls for a nationwide ceasefire by civil society and nearly every political actor in the country except, notably, the NLD government. The military dismissed the demands until 10 May, when it finally declared its own ceasefire – but, like previous declarations, it was accompanied by preconditions that effectively excluded the country's primary battlegrounds.

This paper provides an overview of the strategies in which the military has taken advantage of the COVID-19 outbreak to terrorize civilians in conflict areas and silence critics in an effort to ensure its long-term vision for a Bamar-Buddhist hegemony. At best, the NLD administration has remained a silent partner in these crimes – at worst, it has offered up legal statutes that facilitate continued human rights abuses by the Myanmar military during the greatest public health crisis of our time.

1. COVID-19 and Myanmar's Securitized Response

The government and military have embraced a pandemic response centered on limited coronavirus testing alongside the measured release of statistics describing a trickle of confirmed but controlled cases. Initially, many of the infections were attributed to importation – time spent abroad or in contact with “foreigners.” As of 18 May, there had been just 187 confirmed cases of the virus and six deaths in Myanmar.³ The nation confirmed its first case on 23 March 2020 after the coronavirus had already spread through Myanmar's neighboring countries – including China, with whom Myanmar shares a porous border and where there were more than 80,000 cases at the time. It was one of the last nations in the world to acknowledge the presence of the virus domestically, and noted that it had been found in individuals who had returned from countries abroad, such as the US and UK. At that time, the country of approximately 54 million had only administered 214 tests for COVID-19.⁴

Just one week before it was officially announced that the virus was in the country, government spokesperson Zaw Htay had boasted about Myanmar's lack of COVID-19

cases, attributing it to the nation's “lifestyle and diet” and a reliance on cash instead of credit cards.⁵ Human Rights Watch described the comments as “clashing with everything known about the coronavirus outbreak” and suggested that they were said in order to give people a “false sense of security.”⁶

In mid-March, 15 political parties – mostly military proxies, including the Union Solidarity and Development Party (USDP) – released a joint statement describing COVID-19 as an impending national threat and, while welcoming the government's response plan, urged the National Defense and Security Council (NDSC) to lead the country through the pandemic. Six of the 11 members of the NDSC are military representatives, giving the institution a majority in what has been described as the country's most powerful decision-making body during periods of crisis or emergency.⁷

While the NDSC has not been called on by the government to convene an emergency meeting, it has not had to: most of its military members are also present on the Coronavirus Disease 2019 Containment and Emergency Response Committee signed into action by

3 Worldometer. Myanmar: Coronavirus Cases. Available at: <https://www.worldometers.info/coronavirus/country/myanmar/>

4 AFP. “Myanmar confirms first coronavirus cases.” Bangkok Post. 24 March 2020. Available at: <https://www.bangkokpost.com/world/1884820/myanmar-confirms-first-coronavirus-cases>

5 Amanda Holpuch. “Myanmar has zero coronavirus cases, claims Aung San Suu Kyi.” The Guardian. 17 March 2020. Available at: <https://www.theguardian.com/world/2020/mar/17/myanmar-has-zero-coronavirus-cases-claims-leader-suu-kyi>

6 Phil Robertson. “Myanmar Denials Define COVID-19 Response.” Human Rights Watch. 17 March 2020. Available at: <https://www.hrw.org/news/2020/03/17/myanmar-denials-define-covid-19-response>

7 San Yamin Aung. “Myanmar Military Eyes More Powers for National Security Council.” The Irrawaddy. 20 September 2019. Available at: <https://www.irrawaddy.com/news/burma/myanmar-military-eyes-powers-national-security-council.html>

the NLD's President Win Myint on 30 March, one week after the first cases were confirmed. Headed by Vice President (1) Myint Swe – a military appointee, former general and an NDSC member – the committee includes ministers of Defense, Home Affairs, and Border Affairs and a representative from the Office of the Commander-in-Chief of the armed forces. Despite it being a pandemic response committee, notably missing are any members from the MoHS. It appears to have since taken the lead on COVID-19 response implementation, while purportedly being overseen by another national committee headed by State Counsellor Daw Aung San Suu Kyi created two weeks earlier.⁸

Of concern are the broad powers granted to the COVID-19 emergency response committee, which puts the armed forces at the

head of pandemic response. All military ministries and offices present on the NDSC are also represented in the COVID-19 committee. Unsurprisingly, the mandate is more reflective of concerns for security rather than health. It is tasked with “investigating” cases of coronavirus and the implementation of quarantine and community lockdown. It is also sanctioned with the ability to take legal action against “people who spread misinformation” that could create “a state of panic among the people.” In signing off on such an establishment, the NLD likely sidestepped pressure to convene the NDSC during the pandemic – which could override its own decision-making – while also offering up a path through which the military could continue its operations and further restrict rights and freedoms in the name of fighting the virus.

8 Phu Ei Ei Nwe. “COVID-19 prevention and containment committee set up and led by Myanmar State Counsellor.” Mizzima News. 14 March 2020. Available at: <http://mizzima.com/article/covid-19-prevention-and-containment-committee-set-and-led-myanmar-state-counsellor>

Overlap Between NDSC and COVID-19 Emergency Response Committee Membership

Roles	National Defense and Security Council Members (11)	Coronavirus Disease 2019 Containment and Emergency Response Committee Members (10)
President	Member	
Vice President (1)*	Member	Member
Vice President (2)	Member	
Upper House Speaker	Member	
Lower House Speaker	Member	
Commander-in-Chief of military*	Member	
Deputy Commander-in-Chief of military*	Member	
Minister of Foreign Affairs	Member	
Minister of Labor, Immigration and Population		Member
Ministry of Religious Affairs		Member
Minister of Transport and Communications		Member
Minister of Social Welfare, Relief and Resettlement		Member
Minister of the Office of the Union Government		Member
Chief Coordinator of Office of the Commander-in-Chief*		Member
Minister of Border Affairs*	Member	Member
Minister of Home Affairs*	Member	Member
Minister of Defense*	Member	Member

* indicates military appointee

2. One Day, Three Declarations

MAR

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First two cases of COVID-19 confirmed in Myanmar

Arakan Army declared a terrorist organization

Ministry of Communications and Transport orders telecoms providers to block “fake news”

The Myanmar military has been engaged in an escalating offensive against the AA in Rakhine and southern Chin States since 2018, which last year involved the “unprecedented” deployment of half of the military’s Light Infantry Divisions to the region.⁹ The AA’s demands include self-determination for the Arakanese people in the form of a confederation within Rakhine State, so as to have decision-making power on politics and development in their territory.¹⁰ According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), there have been 70,000 people displaced by the fighting in the last year alone, marking a 40 percent increase since the end of 2019.¹¹ More than 157,000 people have been

displaced since 2018 according to a statement by the UN.¹²

It is noteworthy then that on the same day as the announcement that the coronavirus had taken hold in Myanmar, the government issued a declaration classifying the AA as a terrorist organization. In the directive, President Win Myint described the AA as posing “a danger to law and order, peace and stability of the country and public peace,”¹³ and said it was an illegal organization in accordance with the colonial-era Unlawful Associations Act, Section 15 (2). Ironically, the crimes attributed by the Myanmar state to the AA to justify their “terrorist” status – the arrest and torture of local leaders, shootings, the use of landmines,

9 Anthony Davis. “Why Myanmar is losing the Rakhine war.” 3 July 2019. Asia Times. Available at: <https://asiatimes.com/2019/07/why-myanmar-is-losing-the-rakhine-war/>

10 Nan Lwin Hnin Pwint. “Confederation the Only Option for Arakanese People, AA Chief Says.” 11 January 2019. The Irrawaddy. Available at: <https://www.irrawaddy.com/news/confederation-option-arakanese-people-aa-chief-says.html>

11 UNOCHA. Asia and the Pacific: Weekly Regional Humanitarian Snapshot (24 - 30 March 2020). 31 March 2020. Reliefweb. Available at: <https://reliefweb.int/report/myanmar/asia-and-pacific-weekly-regional-humanitarian-snapshot-24-30-march-2020>

12 UN OHCHR. “Myanmar: “Possible war crimes and crimes against humanity ongoing in Rakhine and Chin States” – UN Special Rapporteur Yanghee Lee.” 29 April 2020. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E>

13 Thet Naing & Rikkar Hussein. “More Violence Feared As Myanmar Names Arakan Army Terrorist Organization.” 24 March 2020. VOA News. Available at: <https://www.voanews.com/extremism-watch/more-violence-feared-myanmar-names-arakan-army-terrorist-organization>

destruction of property and threats to public security – also overlap with the many human rights violations of which the Myanmar military was accused by the Independent International Fact-Finding Mission on Myanmar.¹⁴

While the order against the AA was issued by the NLD government, it was signed by Lt-Gen Soe Htut of the military-operated Ministry of Home Affairs. This collaboration between the elected administration and the armed forces illustrates a long practice of divide-and-rule tactic against EAOs, isolating the AA and creating a legal precedent under which the Myanmar military's perceived enemies can be apprehended and punished.

The declaration set into a motion a series of shutdowns and arrests of voices critical of Myanmar military violence in Rakhine and Chin States, where analysts have long speculated that the military has been losing in intensifying battles with the AA.¹⁵ While discussing the AA's classification with the media, a Myanmar military spokesperson told *The Irrawaddy* that both locals and journalists would be prosecuted for having had contact with the AA.¹⁶ Actions

were immediately put into place to set the stage for the silencing of media organizations that had conducted interviews with the AA and reported on conflict in Rakhine State.

Again on 23 March, the same day as the “terrorist” declaration and the first COVID-19 cases, the NLD-run Ministry of Transport and Communications issued a directive ordering all telecommunications providers to block access to more than 220 websites, including more than 60 that they alleged were spreading “fake news.”¹⁷ Included in the directive were multiple independent ethnic media sites. Mobile service providers do not appear to have resisted the order, instead complying and notably blocking users' access to three ethnic news sites reporting on conflict and sharing updates related to the coronavirus pandemic: the Rakhine State-based *Narinjara*¹⁸ and *Development Media Group*¹⁹ and the *Karen Information Center*.²⁰ They are members of the ethnic media coalition *Burma News International (BNI)*²¹ Multimedia Group, a platform to amplify local reporting particularly on conflict and human rights issues in areas often inaccessible to other international and

14 FFM Myanmar. Report of the Independent International Fact-Finding Mission on Myanmar. 18 September 2018. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>

15 Anthony Davis. “Why Myanmar is losing the Rakhine war.” *Asia Times*. 3 July 2019. Available at: <https://asiatimes.com/2019/07/why-myanmar-is-losing-the-rakhine-war/>

16 Nyein Nyein. “Myanmar Government Declares Arakan Army a Terrorist Organization.” *The Irrawaddy*. 24 March 2020. Available at: <https://www.irrawaddy.com/news/burma/myanmar-govt-declares-arakan-army-terrorist-group.html>

17 ARTICLE 19. “Myanmar: Immediately lift ban on ethnic news websites.” 1 April 2020. Available at: <https://www.article19.org/resources/myanmar-immediately-lift-ban-on-ethnic-news-websites/>

18 *Narinjara News*. <https://www.narinjara.com/>

19 *Development Media Group*. <https://www.dmediag.com/>

20 *Karen Information Center/Karen News*. <http://karennews.org/>

21 *BNI Multimedia Group*. <https://www.bnionline.net/en>

Yangon-based media.

One week later, the MoTC was selected to serve on the COVID-19 emergency response committee, one of the duties of which is to take legal action against the spread of alleged misinformation. The placement of the ministry on the committee essentially opened the door to ordering further blocks on information and news in the name of fighting the pandemic.

An Internet blackout instituted by the NLD government in June 2019 persists in eight²² conflict-affected townships in northern Rakhine and southern Chin States, leaving communities in these areas without the ability to receive updates on either the ongoing civil war or the coronavirus pandemic, a move condemned widely by civil society²³ as well as by former UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, who has called for “mobile internet in Rakhine and Chin States to be reinstated in all areas.”²⁴ In initially ordering the shutdown, the MoTC cited

Article 77 of the 2013 Telecommunications Law as justification for the measures, which allow for such services to be suspended in a time of emergency.²⁵ Government officials have since defended the blackout as being a security measure implemented in “the public interest.”²⁶ At the time it was issued, the order immediately gave way to intensified attacks by the Myanmar military in the areas in question, just as the most recent MoTC order has done, a phenomenon outlined in the following sections of this paper.

The government’s refusal to lift the blockade during the deteriorating humanitarian context serves Myanmar military interests of silencing the region, but stands in contrast to the UN Office for the High Commissioner on Human Rights (OHCHR) designation of internet access as “critical at a time of crisis.”²⁷ In Paletwa Township, Chin State, civil society has resorted to the use of loudspeakers to share public health warnings regarding COVID-19.²⁸ Despite international and local criticism, gov-

22 Nine townships were included in the blackout, but the government reinstated internet access only in Maungdaw Township, Rakhine State in early May 2020. It has previously lifted the blackout temporarily on other townships, then reinstated it. It is not known when or if it will be imposed again on Maungdaw.

23 Joint Statement Condemning One of the World’s Longest Internet Shutdowns in Rakhine State. 21 December 2019. Available at: <https://progressivevoicemyanmar.org/2019/12/21/joint-statement-condemning-one-of-the-worlds-longest-internet-shutdowns-in-rakhine-state/>

24 UN OHCHR. “Myanmar must allow free flow of information and aid to protect right to health in COVID-19 crisis – UN Special Rapporteur Yanghee Lee.” 9 April 2020. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25783&LangID=E>

25 Human Rights Watch. Myanmar: Internet Shutdown Risks Lives. 28 June 2019. Available at: <https://www.hrw.org/news/2019/06/28/myanmar-internet-shutdown-risks-lives>

26 Thu Thu Aung & Sam Aung Moon. “Myanmar reimposes internet shutdown in conflict-torn Rakhine, Chin states: telco operator.” 5 February 2020. Reuters. Available at: <https://www.reuters.com/article/us-myanmar-rakhine/myanmar-reimposes-internet-shutdown-in-conflict-torn-rakhine-chin-states-telco-operator-idUSKBN1ZZoLC>

27 David Kaye, Harlem Désir, & Edison Lanza. “COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts.” UN OHCHR. 19 March 2020. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729>

28 Khonumthung News. “Without Internet or Sufficient Medical Supplies, Fear of COVID-19 Reaching Paletwa Looms.” 31 March 2020. Available at: <https://english.khonumthung.org/without-internet-or-sufficient-medical-supplies-fear-of-covid-19-reaching-paletwa-looms/>

ernment spokespeople have consistently defended the internet blackout there, pointing to letters, phone calls, and even telegrams as sufficient communication channels with the public during a time of crisis. Yet without access to internet, information critical to safety

and security of rural communities in particular remains out of reach and the response time of human rights defenders, journalists and aid providers is significantly slowed, costing civilian lives.

Compliance as a Cost of Business

Mobile services provider Telenor said in a press release that it “initially did not comply” with the MoTC order to block the requested websites, as military-backed service providers Myanmar Posts and Telecommunications (MPT) and Mytel had. Yet within days, and likely under significant government pressure, the telecommunications giant had “assessed the risk in not following the directive” and decided that allowing access to alleged “fake news” was “likely to have wider implications in terms of servicing the public.” By 31 March, Telenor announced it would block all 230 sites requested by the MoTC from its networks.²⁹

It is not the first time the company – in which the Norwegian state is a major shareholder – has been confronted with the “reputational and ethical risks” of conducting business in Myanmar. In 2018, a Rohingya news organization revealed eyewitness accounts of how one of Telenor’s telecommunications towers in Alethankyaw, in Rakhine State’s Maungdaw Township, was used as a military sniper point from which to shoot fleeing Rohingya civilians in August 2017.³⁰ It is also the site of an alleged mass grave. Telenor officials said they were concerned by the allegations and had “initiat[ed] dialogue” with the authorities to learn what happened in Alethankyaw.³¹ Myanmar has since been brought before the ICJ by The Gambia for breaching the Genocide Convention, for its grave human rights violations committed against the Rohingya during the period in question.

Maungdaw is among the nine townships to which the MoTC has blocked internet access since June 2019. When this order to shut off mobile data was issued, Telenor complied, while also putting forward “arguments to ensure proportionality and limitations to the time and scope of the shutdown” as part of its “continued dialogue” with the government.³² After 10 months, the blockade on internet services was lifted in Maungdaw, but it remains intact in the eight other townships where it was instated.

29 Telenor Myanmar. “Blocking of 230 websites in Myanmar based on directive from the authorities.” 30 March 2020. Available at: <https://www.telenor.com.mm/en/article/blocking-230-websites-myanmar-based-directive-authorities>

30 Kaladan Press Network. “The Killing Fields of Alethankyaw.” 22 November 2018. Available at: <https://progressivevoicemyanmar.org/2018/11/22/the-killing-fields-of-alethankyaw/>

31 Frontier Myanmar. “Telenor seeks answers over Rakhine telecom tower snipers report.” 30 November 2018. Available at: <https://frontiermyanmar.net/en/telenor-seeks-answers-over-rakhine-telecom-tower-snipers-report>

32 Telenor Myanmar. “Network Shutdown in Myanmar: 21 June 2019.” 21 June 2019. Available at: https://www.telenor.com/network-shutdown-in-myanmar-21-june-2019/?fbclid=IwAR2b3l5kL5yr_VtoNharlb2teGqJ9A_Daadx8V-phL8CNeBIJwVGokD5XFlo

The current government order to block ethnic media therefore marks the third reminder in as many years that no amount of due diligence on foreign investment can circumvent the inevitable requirement that companies who do business in Myanmar must implement repressive orders by a state that continues to wage war on its people.

3. Government Declarations Give Way to Arrests

One week later, on 31 March, police and officers of the military's special branch raided and shut down ethnic Rakhine news organization Narinjara's office, interrogated reporters, and put out a warrant to arrest editor Khaing Mrat Kyaw, who is facing charges of violating the 2014 Counter-Terrorism Law for publishing interviews with the AA.³³ Another editor of the local media organization Yangon Khit Thit Media, Thalun Zaung Htet, was also charged under the same allegations.³⁴ Mandalay-based editor of the Voice of Myanmar, Nay Myo Lin, was arrested and charged with violating the same statute.³⁵

Ethnic media coalition BNI – which includes Narinjara – wrote an open letter to President Win Myint and State Counsellor Aung San Suu Kyi on 2 April, asking that the charges against the editors be dropped.³⁶ Former UN Special Rapporteur Yanghee Lee also echoed the call, pointing to the need for open and continued reporting on armed conflict.³⁷ Transparency

International has condemned the prosecution as “trumped up terrorism charges for informing the public about the situation in their country.”³⁸

Nay Myo Lin was released 10 days after his arrest and the charges against him dropped. He has called the same for Khaing Mrat Kyaw and Thalun Zaung Htet, both of whom have gone into hiding to avoid arrest while their charges of violating the Counter-Terrorism Law remain.

The crackdown on editors highlights a pattern in which the government issues a directive demonizing a perceived Myanmar military enemy, and state security forces use it to selectively silence their critics. Charges are brought against some as a scare tactic to force those remaining into self-censorship. Despite the civil war and a pandemic, independent media in Myanmar are therefore forced to choose between silence or the risk of state-sanctioned punishment for defying repressive government orders.

Criminal charges surrounding freedom of expression have extended to artists as well.

33 Saw Nang & Richard C. Paddock. “Myanmar Journalists Who Quoted Rebel Spokesman Face Arrest.” *New York Times*. 3 April 2020. Available at: <https://www.nytimes.com/2020/04/03/world/asia/myanmar-journalists-arrest-arakan.html>

34 RFA Myanmar Service. “Two Myanmar Editors in Hiding Over Interview With Banned Arakan Army.” 15 April 2020. Radio Free Asia. Available at: <https://www.rfa.org/english/news/myanmar/editors-charges-04152020212228.html>

35 Reuters. “Myanmar charges journalist under terrorism law, blocks news websites.” 31 March 2020. Al Jazeera. Available at: <https://www.aljazeera.com/news/2020/04/myanmar-charges-journalist-terrorism-law-blocks-news-site-200401055032109.html>

36 BNI Multimedia Group. “BNI Multimedia Group’s Open Letter to the State Counsellor and President.” 7 April 2020. Mizzima. Available at: <https://www.bnionline.net/en/news/bni-multimedia-groups-open-letter-state-counsellor-and-president>

37 Khaymani Win. “Voice of Myanmar Journalist Freed 10 Days After Arrest for Interview of Banned Arakan Army.” 9 April 2020. RFA Myanmar Service. Available at: <https://www.rfa.org/english/news/myanmar/journalist-freed-04092020165042.html>

38 RFA Myanmar Service. “Two Myanmar Editors in Hiding Over Interview With Banned Arakan Army.” Radio Free Asia. 15 April 2020. Available at: <https://www.rfa.org/english/news/myanmar/editors-charges-04152020212228.html>



A mural in the Myitkyina railway station called “Stay at Home, Save Lives” was intended to promote awareness of the dangers of COVID-19, but led to the arrest of artists Zayyar Nawng, Cecilia Ja Seng and Naw Tun Aung under charges of insulting Buddhism. (Credit: Kachin News Group)

Three painters in Myitkyina, Kachin State – Zayyar Nawng, Cecilia Ja Seng and Naw Tun Aung – are now facing criminal charges for insulting Buddhism after they created a public mural depicting the coronavirus threat to public health. Captioned “Stay at Home, Save Lives,” the work features a grim reaper wearing a red-hued robe, an artistic choice which some Myanmar netizens alleged was intended to resemble a Buddhist monk’s robes. The primary artist – himself a Buddhist – has said that there is no religious connotation intended in the work; it was only meant to convey to locals the

grave danger of the current pandemic.³⁹

The law the painters are accused of violating, Article 295 (a) of Myanmar’s penal code, is a colonial-era statute that punishes “deliberate and malicious acts” committed with the intention of “outrag[ing] religious feelings.” Five years ago, the law was used to prosecute bar owners who used the image of a Buddha wearing headphones to promote a drink special, and an NLD member who publicly criticized the cooptation of Buddhism for nationalist purposes.⁴⁰ Members of the ultranationalist Buddhist organization Ma Ba Tha⁴¹ were noticeably pres-

39 Kachin News Group. “Myitkyina Painters Promoting COVID-19 Awareness Charged With Insulting Buddhism.” 6 April 2020. Available at: <https://kachinnews.com/2020/04/06/myitkyina-painters-promoting-covid-19-awareness-charged-with-insulting-buddhism/>

40 Oliver Slow. “The left-over laws: Myanmar’s colonial hangover.” Frontier Myanmar. 27 February 2016. Available at: <https://frontiermyanmar.net/en/the-left-over-laws-myanmars-colonial-hangover>

41 Also known as the Patriotic Association of Myanmar and the Association for the Protection of Race and Religion, Ma Ba Tha has been influential in the drafting of discriminatory laws targeting Myanmar’s Muslim population, restricting religious conversion, interfaith marriages, and birth rates. The group has also been instrumental in hate speech campaigns against the Rohingya minority. While Ma Ba Tha has officially been disbanded, it continues to be an active and influential player in Buddhist nationalism in Myanmar.

ent at both trials, which ended in sentences of prison time with hard labor.

HRW condemned the charges as part of a broader crackdown on access to information in Myanmar,⁴² and the Kachin State-based Legal Aid Network has suggested that the crackdown on the artists' freedom of speech is rooted in the lack of protection for the principle in Myanmar's military-drafted 2008 Constitution.⁴³

Of note is that the charges were filed by the deputy director of Kachin State's Department of Religious Affairs, which falls under the NLD-run Ministry of Religious Affairs. The Union-level minister for religious affairs, a former military general, sits on the Myanmar military-led COVID-19 emergency response committee.

Further Restrictions on Freedom of Expression: Proposed Prevention and Control of Communicable Diseases Bill

A draft law on the Prevention and Control of Communicable Diseases⁴⁴ that is to replace the 1995 law enacted under the same title was submitted to the lower house of Parliament on 18 May. In analyzing the law, several concerns have surfaced including the possible furthering of a culture of surveillance.⁴⁵ Perhaps most worrying is the manner in which the bill could undermine freedom of expression and access to information. Information is vital for a robust response in stopping the spread of COVID-19, but the draft bill would effectively criminalize the sharing of information on an infectious disease outbreak, including "information about places, persons, items, animals, vehicles, information and actions which might stir fear in the public."⁴⁶ The newly proposed Section 20 of the bill empowers the Ministry of Health and Sports to delegate authority to local officials to prohibit reporting that could "cause panic."⁴⁷ First time violations are subject to a fine of up to 100,000 Kyat, while second-time offenders could face up to six months in prison and a fine of up to 500,000 Kyat.

42 Human Rights Watch. "Myanmar: 3 Charged for COVID-19 Street Art." 8 April 2020. Available at: <https://www.hrw.org/news/2020/04/08/myanmar-3-charged-covid-19-street-art>

43 Kachin News Group. "Calls Grow to Drop Charges Against Artists Over COVID-19 Mural." 6 May 2020. Available at: <https://kachinnews.com/2020/05/06/calls-grow-to-drop-charges-against-artists-over-covid-19-mural/>

44 Prevention and Control of Communicable Disease Bill. Available at: [https://pyidaungsu.hluttaw.mm/uploads/pdf/mu4lWS_CD%20Law%20%2011.12.19%20\(Annex%203\)%20PDF.pdf](https://pyidaungsu.hluttaw.mm/uploads/pdf/mu4lWS_CD%20Law%20%2011.12.19%20(Annex%203)%20PDF.pdf)

45 The Ananda. "Bill Analysis: Prevention and Control of Communicable Disease Bill." 8 April 2020. Available at: https://theananda.org/en/blog/view/-Bill-Analysis_PCCD-Bill

46 Ibid.

47 Article 19. "Myanmar: Restriction on expression in communicable diseases bill would undermine COVID-19 response." 12 May 2020. Available at: <https://www.article19.org/resources/myanmar-restriction-on-expression-in-communicable-diseases-bill-would-undermine-covid-19-response/>

The UN Committee on Economic, Social and Cultural Rights emphasizes “information accessibility,” obligating the state to ensure that people have access to health-related information. Myanmar ratified the International Covenant on Economic, Social and Cultural Rights in 2017. Such information “accessibility includes the right to seek, receive and impart information and ideas.”⁴⁸ In addition, the expression “causing panic” is overly vague and “violates the requirement under international law that laws restricting speech be narrowed down and sufficiently clear to enable people to know what speech is prohibited,” according to HRW.⁴⁹

The provision must be interpreted within the wider context of the decline of freedom of expression in Myanmar where, according to local organization Athan, laws including the Telecommunications Law, Peaceful Assembly and Peaceful Procession Law, sections of the Penal Code, and most recently, the Counter-Terrorism Law have been used against 1,051 individuals in 539 lawsuits in the past four years under the NLD government to persecute and silence journalists, activists and others that are perceived as being critical of the government and the military.⁵⁰ If enacted, this law would serve as another potential tool to further crack down on and silence critics. As stated by several experts, including the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, “Any attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression.”⁵¹

48 UN Committee on Economic, Social and Cultural Rights. General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12). UN Doc. E/C.12/2000/4 (2000). Available at: <https://digitallibrary.un.org/record/425041?ln=en>

49 Human Rights Watch. “Statement attributable to Phil Robertson, Deputy Asia Director, Human Rights Watch on Myanmar’s draft law on Prevention and Control of Communicable Diseases.” 21 May 2020. Available at: <https://www.facebook.com/hrwburma/posts/2692350457757450>

50 Athan. “Analysis on Freedom of Expression Situation in Four Years under the Current Regime.” 2 May 2020. Available at: <https://www.athanmyanmar.org/analysis-on-freedom-of-expression-situation-in-four-years-under-the-current-regime/>

51 UN OHCHR. “Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.” Available at: <https://www.ohchr.org/en/issues/freedomopinion/pages/opinionindex.aspx>

4. Ethnic Responses to COVID-19 in the Context of Government Exclusion, Resistance

While the Coronavirus Disease 2019 Containment and Emergency Response Committee is mandated to work with civil society entities and other “relevant organizations” to prevent, control and treat the virus, ethnic armed organizations (EAOs) and civil society organizations (CSOs) alike have reported a lack of cooperation on the part of the government in fighting COVID-19 in ethnic states.

EAOs have launched their own COVID-19 awareness and prevention campaigns in their territories. For more than one month after the first coronavirus infection was confirmed in Myanmar, there were no offers of support or collaboration from the Myanmar government for these ethnic initiatives, suggesting a lack of interest by the state in fully stopping the virus from reaching the country's most marginalized and disenfranchised areas. However, on 27 April, President Win Myint signed into action the Committee for Coordination and Cooperation with the EAOs for COVID-19 Prevention, Control and Treatment. The national team has been assigned the task of liaising with

EAOs' health teams to fight the virus. Its four members include three representatives from existing government peace negotiation bodies and the government-appointed ethnic affairs deputy minister.⁵² It remains unclear how the committee will fulfill their mandate and coordinate with ethnic health organizations in practice.⁵³ Since the committee's chair, Dr. Tin Myo Win, is also the vice chairperson of the government's National Reconciliation and Peace Council, EAOs are reportedly cautious about collaborating, lest the committee “interfere with their administration of their territory.”⁵⁴

Members of the Ethnic Health Committee (EHC) – representing health organizations in EAO-controlled territories – “welcomed” the government's recognition of ethnic health partners in the formation of the coordination committee.⁵⁵ However, the EHC also emphasized the need for further decentralization in order to facilitate effective implementation of COVID-19 prevention activities in ethnic areas. In a statement published on 6 May, they called

52 Nyein Nyein. “Myanmar Sets Up COVID-19 Committee With Rebel Armies.” 28 April 2020. *The Irrawaddy*. Available at: <https://www.irrawaddy.com/specials/myanmar-covid-19/myanmar-sets-covid-19-committee-rebel-armies.html>

53 Ja Tu Hkawng, Emily Fishbein & Yuichi Nitta. “Myanmar's ethnic conflicts obstruct COVID-19 aid to minorities.” 3 May 2020. *Nikkei Asian Review*. Available at: <https://asia.nikkei.com/Spotlight/Coronavirus/Myanmar-s-ethnic-conflicts-obstruct-COVID-19-aid-to-minorities>

54 Kachin News Group. “EAOs Cautious About Collaboration With Government's COVID-19 Coordination Committee, Insiders Say.” 12 May 2020. Available at: <https://kachinnews.com/2020/05/12/eaos-cautious-about-collaboration-with-govts-covid-19-coordination-committee-insiders-say/>

55 Ethnic Health Committee. “Ethnic Health Committee's statement on the Government formation of COVID-19 prevention Coordination Committee to cooperate with EAOs.” 6 May 2020. Available at: <https://progressivevoice-myanmar.org/2020/05/06/ethnic-health-committees-statement-on-the-government-formation-of-covid-19-prevention-coordination-committee-to-cooperate-with-eaos/>

for additional coordination mechanisms to be instated at the state/regional level⁵⁶ that could collaborate with ethnic health organizations and that would have state/regional government health department representatives present.

The call for state coordination mechanisms to be created and integrated into Myanmar's COVID-19 response is also likely due to ongoing interference by state governments – and the Myanmar military – in EAOs' COVID-19 prevention activities. This has included opposition to travel restrictions put into place by the EAO authorities to control the spread of the coronavirus and the forced closure of health checkpoints. These disruptions are carried out even though the EAOs' initiatives are in line with the health orders issued by the MoHS; recognition and support would, after all, be a concession toward the sharing of administrative power, a critical feature of the federal democratic system long demanded by ethnic nationalities.

The following list is by no means exhaustive, but it provides an overview as to EAO efforts in areas of Myanmar systematically excluded from

the government's coronavirus response thus far. Of note is that the first four EAOs listed below are signatories to the Nationwide Ceasefire Agreement (NCA) with the government and military. This status has not translated to state support for combating the pandemic nor has it stopped clashes from occurring in their territory during the crisis. The following organizations – and the EHC – have unequivocally called for a comprehensive, nationwide ceasefire by the Myanmar military in order to focus on fighting COVID-19, a demand which is further outlined in the following sections of this paper. However, it does not appear that the military is willing to accept the contributions of ethnic social or political structures in these conflict areas, even in the context of fighting a pandemic, and has continued to obstruct ethnic healthcare implementation. On 6 May in Karen State's Mutraw District – more than one week after the government had committed to working with EAOs' on public health activities around the pandemic – the Myanmar military burned down⁵⁷ two COVID-19 screening posts set up by the Karen National Union (KNU).

Chin National Front (CNF)

The CNF is keeping records of travel in and out of their territory in Chin State and restricting their own troops' movements, including carrying out self-isolation in their bases. They said that they have not received any government assistance in their efforts.

“The government doesn't provide medical staff, medicine or medical equipment to us. I think the government's healthcare is really weak,” the CNF's Joint General Secretary (2) Salai Htet Ni told ethnic Chin media in April.⁵⁸

56 Network Media Group. “State-Level Coordination Needed for Govt, EAO Cooperation in Fighting COVID-19.” 9 May 2020. Available at: <http://www.nmg-news.com/2020/05/08/10736>

57 Karen News. “Burma Army Burns KNU COVID-19 Screening Posts, Pandemic Causes Peace Process Further Fractures.” 8 May 2020. Available at: <http://karennews.org/2020/05/burma-army-burns-knu-covid-19-screening-posts-pandemic-causes-peace-process-further-fractures/>

58 Khonumthung News. “CNF: Healthcare, Media Freedom ‘Weak’ Under NLD Govt.” 15 April 2020. Available at: <https://english.khonumthung.org/cnf-healthcare-media-freedom-weak-under-nld-govt/>

Karen National Union (KNU)

The KNU has imposed restrictions on travel into and within their territory to prevent the spread of coronavirus. The subnational level Ministry of Border Affairs in Karen State – headed by Myanmar military personnel – issued a formal objection⁵⁹ on 17 April to the KNU's medical checks of travelers on a road through Mon State's Thaton District and an order of overnight curfews in their Brigade 1 territory. The minister recommended that the KNU “follow the NCA, control its forces, and not intervene in border administrative matters” and pointed to existing government-issued rules regarding the prevention of COVID-19. When the Myanmar military troops showed up on site in the first days of May, the KNU was

later forced to cease their medical checks and abandon⁶⁰ their screening posts in Thaton to prevent further conflict. The KNU's prevention activities are implemented throughout its territory, and particularly in areas that border Myanmar government-controlled territory, the KNU's general secretary Padoh Saw Ta Doh Moo told ethnic media.⁶¹ The KNU was of the first EAOs to call for cooperation between the government, military and EAOs in fighting the coronavirus, particularly to prevent it from reaching internally displaced persons (IDPs). “If this virus infects IDPs, many people will suffer – I cannot imagine it,” Padoh Saw Ta Doh Moo said in late March.⁶²

Restoration Council of Shan State (RCSS)

Teams of medics from the RCSS were traveling to villages throughout the organization's territory, sharing awareness of COVID-19 in Shan language, checking villagers for fever, and encouraging handwashing. These medics came under attack by the Myanmar military in mid-April while trying to provide their services

in southern Shan State's Mongpan Township.⁶³ Later, villagers in Mongpan were warned by Myanmar military troops “not to accept assistance” from RCSS medical teams in the form of care or personal protective equipment, lest they be faced with arrest for interacting with them.⁶⁴

59 Mon News Agency. “Karen State Security and Border Affairs Minister Oppose KNU's Response to COVID-19.” 20 April 2020. BNI Multimedia Group. Available at: <https://www.bnionline.net/en/news/karen-state-security-and-border-affairs-ministry-oppose-knus-response-covid-19>

60 Network Media Group. “Burma Army Threats Force KNU to Stop COVID-19 Medical Checks in Thaton.” 4 May 2020. Available at: <http://www.nmg-news.com/2020/05/04/10674>

61 Network Media Group. “KNU to Burma Army: Stop Fighting Us So We Can All Fight Coronavirus.” 30 March 2020. Available at: <http://www.nmg-news.com/2020/03/30/10378>

62 Ibid.

63 Nang Seng Nom. “Burma Army Attacks RCSS While Shan Medics Perform COVID-19 Wellness Checks.” Shan Herald Agency for News. 15 April 2020. Available at: <https://english.shannews.org/archives/20783>

64 Seng Phoo. “Civilians Threatened With Jail Time for Accepting Face Masks.” 23 April 2020. Shan Herald Agency for News. Available at: <https://english.shannews.org/archives/20835>

New Mon State Party (NMSP)

The NMSP has had some success in linking with Myanmar government health resources, but has not yet tested these ties. The organization reported forming its own committees from the central to the township level in order to prevent COVID-19 from spreading in its territory and that it had transformed a drug rehabilitation center into a potential care facility.⁶⁵ Mon political parties and civil society supported the

COVID-19 awareness campaign in the NMSP's control area and distributed medical materials such as masks. By early May, the NMSP said it had made a "link" with government hospitals in the townships of Mawlamyine and Ye in Mon State and Yephyu in Tanintharyi Region – and would send patients there if they could not care for them on their own in their territory.

Kachin Independence Organization (KIO)

The KIO has formed its own Anti-COVID-19 Committee to share World Health Organization (WHO) guidelines with locals in their territory, including those in IDP camps, and has set up a hospital, quarantine center, medical checkpoints, and an Intensive Care Unit, according to a member of its health department.⁶⁶ The KIO also closed multiple checkpoints along the border it shares with China in early April.⁶⁷ Meanwhile, the Myanmar government has allowed other border crossings – like the one at Kambaiti – to stay open,

particularly to service China-backed tissue-culture banana plantations in Waingmaw Township, despite multiple calls from Kachin political parties and state parliamentarians to put an end to this business during the pandemic.⁶⁸ In government-controlled areas of Kachin State, Kachin civil society also formed its own 12-organization network to spray disinfectant in more than 30 IDP camps, distribute hand sanitizer, and launch awareness efforts in early April, after the government failed to do so.⁶⁹

65 Network Media Group. "NMSP: COVID-19 Response Plan Includes 'Link' to Govt Hospitals. 5 May 2020. Available at: <http://www.nmg-news.com/2020/05/05/10690>

66 Kachin News Group. "EAOs Cautious About Collaboration With Government's COVID-19 Coordination Committee, Insiders Say." 12 May 2020. Available at: <https://kachinnews.com/2020/05/12/eaos-cautious-about-collaboration-with-govts-covid-19-coordination-committee-insiders-say/>

67 Network Media Group. "To Prevent COVID-19, KIO Closes Border to Outsiders." 3 April 2020. Available at: <http://www.nmg-news.com/2020/04/03/10445>

68 Kachin News Group. "Burma-China Border Remains Open Amid COVID-19 Pandemic." 26 April 2020. Available at: <https://kachinnews.com/2020/03/26/burma-china-border-remains-open-amid-covid-19-pandemic/>

69 Kachin News Group. "Kachin Civil Society Initiates Coronavirus Prevention Measures in IDP Camps." 11 April 2020. Available at: <https://kachinnews.com/2020/04/11/kachin-civil-society-initiates-coronavirus-prevention-measures-in-idp-camps/>

Karenni EAOs

Six Karenni EAOs – including the Karenni National Progressive Party (KNPP) and the Kayan New Land Party (KNLP) – have set up the Community Health and Development Network (CHDN) to halt the transmission of COVID-19.⁷⁰ They are manning 29 medical checkpoints

in the areas under KNPP and KNLP control in Karenni State to check travelers' temperatures and increase awareness of the virus. They are also monitoring patients who show symptoms of the disease, and say they are ready to transfer them to hospitals if their conditions worsen.

Shan State Progress Party (SSPP) and Ta'ang National Liberation Army (TNLA)

The SSPP and TNLA spoke to local media about how they have taken the matter upon themselves to prevent the spread of the coronavirus in their territories; they said that they had not been consulted about collaboration by the Myanmar government in any national re-

sponse effort. They pointed to their status as NCA non-signatories as the likely reason for their exclusion from these health activities, suggesting the Myanmar military's agenda of isolating EAOs is embedded in the country's pandemic response.⁷¹

Myanmar's IDP Camps: Overcrowded and Underserved

The estimated 350,000 IDPs throughout Myanmar's ethnic states have been living in makeshift camps, temples and churches, often for years. The conditions have been described by HRW as "tinderboxes" for the spread of COVID-19.⁷² It was not until 14 April – three weeks after the pandemic was confirmed to have reached Myanmar – that state-run media reported that the Ministry of Social Welfare, Relief and Resettlement had started prevention activities in IDP camps. However, some camp residents in Kachin State told journalists that this outreach had amounted to the distribution of one bar of soap per household.⁷³

IDPs in camps in Kachin State's Waingmaw and Myitkyina Townships said in early April that an ongoing drought had made them unable to follow WHO guidelines like hand-washing in order to keep the coronavirus at bay. Leaders of the camps told local media that residents were unable to afford to buy face masks or hand sanitizer and asked that the

70 Soe Hteik Aung. "Armed Organizations Join Fight Against COVID-19." Kantarawaddy Times. 20 April 2020. Available at: <http://ktnews.org/?p=1718>

71 Network Media Group. "EAOs: Burmese Govt 'Doesn't Accept' Our Cooperation in Fighting COVID-19." BNI Multimedia Group. 6 April 2020. Available at: <https://www.bnionline.net/en/news/eaos-burmese-govt-doesnt-accept-our-cooperation-fighting-covid-19>

72 Human Rights Watch. "Myanmar: Displacement Camps Are COVID-19 Tinderboxes." 30 March 2020. Available at: <https://www.hrw.org/news/2020/03/30/myanmar-displacement-camps-are-covid-19-tinderboxes>

73 Emily Fishbein. "Displace families in Myanmar's Kachin fear coronavirus threat." Al Jazeera. 19 April 2020. Available at: <https://www.aljazeera.com/news/2020/04/displaced-families-myanmar-kachin-fear-coronavirus-threat-200419013157517.html>

authorities provide these materials to them. Even though the camps are among the nearly 120 IDP sites accessible to the Myanmar authorities, it was the Kachin State COVID-19 Prevention Network, made up of 12 CSOs and volunteers, that sprayed disinfectant and distributed hand sanitizer there.⁷⁴

Yet many IDPs live in areas outside of government control; in Kachin State, some 40 percent of displaced people are in 20 camps located in KIO-controlled territory. International aid providers have long been barred by the Myanmar government and the Myanmar military from assisting communities in those areas, leaving them without adequate humanitarian support for years preceding the current pandemic. Often it is only ethnic health organizations that have access to these areas, but they remain largely ignored by the government and systematically underprioritized by international aid organizations and therefore suffer from persistent funding shortages.

In Karen State's Mutraw District, approximately 1,700 villagers have been forced to live in a state of perpetual insecurity as Myanmar military troops have fired hundreds of rounds of artillery shells around their communities in recent months. They repeatedly have had to flee into the jungle due to these threats. Venturing out for food puts them at risk of violence and arrest, according to the Karen Peace Support Network (KPSN). These living conditions make these communities "one of the most vulnerable sectors of the population" to COVID-19, KPSN said.⁷⁵

In southern Chin State's Paletwa Township, where there are nearly 5,000 IDPs, state authorities constructed just 150 huts in the first half of April to ease the overcrowding in the town of Samee, where more than 600 families are in need of shelter.⁷⁶ In late March, doctors in Paletwa predicted an upcoming shortage of medical supplies, including Personal Protective Equipment (PPE), to prevent and treat coronavirus among the town's residents, let alone to support the IDP population's health needs.⁷⁷

Sittwe-based human rights activist Khaing Myo Tun told local media on 15 April that as the Myanmar military's air strikes on Rakhine State have intensified, people are fleeing villages and staying in crowded monasteries, increasing their risk of contracting and spreading COVID-19. "Even though the coronavirus pandemic is happening, ethnic people in Rakhine State are more afraid of the fighting because it's something that can kill

74 Kachin News Group. "'Not Enough Water to Wash Our Hands,' Say Kachin IDPs Bracing for COVID-19." 2 April 2020. Available at: <https://kachinnews.com/2020/04/02/not-enough-water-to-wash-our-hands-say-kachin-idps-bracing-for-covid-19/>

75 Karen Peace Support Network. "COVID-19 response in Burma exposes glaring double standards." 17 April 2020. Available at: <https://www.facebook.com/KPSN.karen/photos/pcb.2635124270097831/2635114806765444/?type=3&theater>

76 Khonumthung News. "Chin State Govt to Build 150 Huts in Town With Thousands of IDPs." 8 April 2020. Available at: <https://english.khonumthung.org/chin-state-govt-to-build-150-huts-in-town-with-thousands-of-idps/>

77 Khonumthung News. "Without Internet or Sufficient Medical Supplies, Fear of COVID-19 Reaching Paletwa Looms." 31 March 2020. Available at: <https://english.khonumthung.org/without-internet-or-sufficient-medical-supplies-fear-of-covid-19-reaching-paletwa-looms/>

them right now,” he said.⁷⁸

There are estimated to be more than 160,000 people who have been displaced by fighting in Rakhine and Chin States since December 2018 according to the Rakhine Ethnic Congress.⁷⁹

78 Network Media Group. “Eight Civilians Killed by Burma Army Shelling.” BNI Multimedia Group. 17 April 2020. Available at: <https://www.bnionline.net/en/news/eight-civilians-killed-burma-army-shelling>

79 RFA Myanmar Service. “Myanmar Military Column, Artillery Firing Displaces Rakhine Villagers.” Radio Free Asia. 7 May 2020. Available at: <https://www.rfa.org/english/news/myanmar/military-column-05072020170849.html>

5. Coronavirus and the Civil War



People in central Burma are to be protected during this pandemic, while those in ethnic areas are not only to be deprived of help, but bombed, killed and forced into conditions of heightened health risk.”

Karen Peace Support Network, 17 April 2020⁸⁰

On the critical day of 23 March, the UN Secretary-General António Guterres called for a worldwide ceasefire so that armed actors could focus their resources on fighting “the real” enemy: coronavirus.⁸¹ In the week that followed, this demand was echoed by EAOs and CSOs throughout Myanmar. The CNF, KNU, KNPP, RCSS, and the Three Brotherhood Alliance (which includes the TNLA, AA and the ethnic Kokang’s Myanmar National Democratic Alliance Army) have all called on the Myanmar military to declare a unilateral nationwide ceasefire during the COVID-19 pandemic, and committed to doing the same. More than 400 organizations jointly urged ASEAN member

states, with specific reference to Myanmar, to “heed the call” of the UN Secretary-General for a ceasefire.⁸² On 2 April, the ambassadors of nearly 20 countries and the EU published a statement in support of these calls for a “cessation of hostilities” in Myanmar and the easing of restrictions on internet access and media.⁸³

Of note is that the NLD government is one of the only prominent actors in Myanmar’s peace process that did not make this demand of the country’s armed forces.

In any case, the Myanmar military systematically ramped up offensives across the country while flatly rejecting calls for a nationwide

80 Karen Peace Support Network. “COVID-19 response in Burma exposes glaring double standards.” 17 April 2020. Available at: <https://www.facebook.com/KPSN.karen/photos/pcb.2635124270097831/2635114806765444/?type=3&theater>

81 António Guterres. “Secretary-General Calls for Global Ceasefire, Citing War-Ravaged Health Systems, Populations Most Vulnerable to Novel Coronavirus.” United Nations: Statements and Messages. 23 March 2020. Available at: <https://www.un.org/press/en/2020/sgsm20018.doc.htm>

82 Global Partnership for the Prevention of Armed Conflict (GPPAC)-Southeast Asia and the Initiatives for International Dialogue (IID). “Southeast Asian States Should Heed Call for Global Ceasefire, Ensure Conflict Sensitivity and Human Rights in Responding to COVID19 Crisis.” 30 March 2020. Available at: <https://progressivevoicemyanmar.org/2020/03/30/southeast-asian-states-should-heed-call-for-global-ceasefire-ensure-conflict-sensitivity-and-human-rights-in-responding-to-covid19-crisis/>

83 Ambassadors of Australia, Canada, Czech Republic, Denmark, the European Union, Finland, France, Germany, the Netherlands, New Zealand, Norway, Poland, Spain, Sweden, Switzerland, Turkey, the United Kingdom, United States of America. “Statement From Ambassadors to Myanmar.” U.S. Embassy in Burma. 1 April 2020. Available at: <https://mm.usembassy.gov/statement-from-ambassadors-to-myanmar/>

ceasefire during the pandemic as “unrealistic.”⁸⁴ It was not until 10 May, more than one month after the demands were issued, the military finally announced its own ceasefire. It included a precondition that the declaration would not apply in areas where so-called “terrorist” organizations are based – a likely reference to the AA – effectively excluding the major conflict area of Rakhine and Chin States from the declaration.⁸⁵ Days later, the TNLA – also once threatened with the “terrorist” label⁸⁶ – reported that the Myanmar military had attacked their troops in Mogok Township, Mandalay Region.⁸⁷

Chin and Rakhine States

From 23 March – the day in which the coronavirus was confirmed in Myanmar and the AA was declared a “terrorist” organization – until 17 April, 32 civilians were killed by the Myanmar military’s air strikes in Rakhine and Chin States according to estimates from the UN OHCHR. More than 70 people were injured. Most of the victims have been women

and children, the UN human rights office said.⁸⁹ Without an end to the fighting, the government’s claimed comprehensive pandemic response plan is unrealistic. This was exemplified on 21 April, when a driver for the WHO, Pyae Sone Win Maung, was killed by gunfire in Rakhine State’s Minbya Township while transporting coronavirus test swabs out of the conflict zone. A Myanmar military spokesperson told a Reuters reporter who inquired whether the military was responsible for his death that the question was not one that should be posed by “a Myanmar citizen.”⁸⁸

and children, the UN human rights office said.⁸⁹

Within hours⁹⁰ of the NLD government’s declaration against the AA, the military launched an air strike on Che Taung Village in Rakhine State’s Minbya Township, killing a nine-year-old child and injuring 15 other civilians, among whom was at least one other child. When questioned about the use of

84 Sai Wunna. “Tamadaw rejects call for ceasefire during pandemic.” Myanmar Times. 2 April 2020. Available at: <https://www.mmmtimes.com/news/tatmadaw-rejects-call-ceasefire-during-pandemic.html>

85 Lawi Weng. “Myanmar Rebel Coalition Calls on Military to Extend Ceasefire to Rakhine.” The Irrawaddy. 11 May 2020. Available at: <https://www.irrawaddy.com/news/burma/myanmar-rebel-coalition-calls-military-extend-ceasefire-rakhine.html>

86 Zue Zue. “Shan State Parliament Approves Branding Northern Alliance as ‘Terrorists.’” The Irrawaddy. 7 December 2016. Available at: <https://www.irrawaddy.com/news/burma/shan-state-parliament-approves-branding-of-northern-alliance-as-terrorists.html>

87 Network Media Group. “Tatmadaw Fight With TNLA After Announcing Unilateral Ceasefire.” 15 May 2020. Available at: <http://www.nmg-news.com/2020/05/15/10794>

88 Reuters. “Driver killed in WHO vehicle carrying virus swabs in Myanmar’s Rakhine.” 21 April 2020. Available at: <https://www.reuters.com/article/us-health-coronavirus-myanmar-rakhine/driver-killed-in-who-vehicle-carrying-virus-swabs-in-myanmars-rakhine-idUSKBN22315L>

89 Reuters. “U.N. says mostly women and children among 32 killed as insurgents, Myanmar military clash.” 17 April 2020. Available at: <https://www.reuters.com/article/us-myanmar-rakhine-un/u-n-rights-office-says-myanmar-carrying-out-air-strikes-in-rakhine-state-idUSKBN21Z1DJ>

90 RFA Myanmar Service. “Fresh Fighting Adds 1,000 to Displaced Population in Myanmar’s Rakhine.” Radio Free Asia. 25 March 2020. Available at: <https://www.rfa.org/english/news/myanmar/displaced-population-03252020171909.html>

force against civilians, military spokesperson Brig-Gen Zaw Min Tun said that government forces had “no reason” to fire into villages and suggested those injured were AA troops.⁹¹

With a government-imposed internet blackout in nine townships in northern Rakhine and southern Chin States since June 2019, it is difficult to confirm the exact number of casualties in the region. The number of IDPs rose from 128,000 at the end of February to more than 160,000 in May, marking an increase of more than 30,000 in two months, according to civil society organizations tracking the humanitarian cost of the conflict, like the Rakhine Ethnic Congress.⁹² The UNOCHA reported that in the first four days of the coronavirus being

confirmed in Myanmar, 4,000 people were displaced in Rakhine State’s Kyauktaw Township alone due to the armed conflict.⁹³ More than half are women, according to UNOCHA.

The Myanmar military’s air strikes and shelling in the region have largely been documented by independent ethnic media, but their stories on the issue have repeatedly been dismissed as “fake news” by the Myanmar military’s public relations team, the so-called True News Information Team.⁹⁴ The military violence that these news outlets have reported confirm at least 40 casualties and 103 injuries between 23 March and 30 April. They are outlined in the following pages.

Reported Military Violence in Chin and Rakhine States: 23 March – 30 April

The following list includes several records of air strikes, shootings, landmine explosions, and the burning of villages that have been reported in local and international media since Myanmar’s first confirmed case of coronavirus on 23 March until the end of April. It is not exhaustive, with multiple obstacles persisting in reporting these abuses: the shutdown of media reporting on Rakhine State, subsequent threats to journalists and CSOs for making war crimes public, travel bans to the conflict area, and the long-standing internet blockade in the region. Other civil society organizations that have continuously monitored the conflict have recorded hundreds of killings in Rakhine and Chin States, including a local civil society organization Burma Monitor that recorded 174 people killed and 229 wounded from March – April 2020 due to the ongoing civil war.

91 Min Aung Khine. “Nine-Year-Old Killed in Rakhine as Myanmar Military Launches Air Strikes Against AA.” *The Irrawaddy*. 25 March 2020. Available at: <https://www.irrawaddy.com/news/burma/nine-year-old-killed-rakhine-myanmar-military-launches-air-strikes-aa.html>

92 RFA Myanmar Service. “Myanmar Military Column, Artillery Firing Displaces Rakhine Villagers.” *Radio Free Asia*. 7 May 2020. Available at: <https://www.rfa.org/english/news/myanmar/military-column-05072020170849.html>

93 UNOCHA. “Asia and the Pacific: Weekly Humanitarian Snapshot (24 March – 30 March 2020).” *Reliefweb*. 31 March 2020. Available at: <https://reliefweb.int/report/myanmar/asia-and-pacific-weekly-regional-humanitarian-snapshot-24-30-march-2020>

94 Verena Hoelzl & Cape Diamond. “Myanmar military steps up attacks as coronavirus spreads.” *Al Jazeera*. 16 April 2020. Available at: <https://www.aljazeera.com/news/2020/04/myanmar-military-steps-attacks-coronavirus-spreads-200416060255091.html>

Date	Location	Civilian Toll	Details
29 April	Mrauk-U Township, Rakhine State	1 killed	Troops from LIB 377 allegedly tortured a local man to death. 🌐 Link to Source
29 April	Nat Taung, Pon-nagyun Township, Rakhine State	1 injured	A 14-year-old was hit by stray gunfire from a nearby clash. 🌐 Link to Source
27 April – 30 April	Mrauk-U, Buthidaung, Rathedaung Townships, Rakhine State	6 injured	Over four days, restaurant staff and a child were injured in multiple shellings, and a man stepped on a landmine. 🌐 Link to Source
22 April	Minbya Township, Rakhine State	4 killed, 6 injured	Two men were shot dead on a motorbike, two Rohingya villagers were killed by gunfire or shelling. 🌐 Link to Source 🌐 Link to Source
21 April – 22 April	Paletwa Township, Chin State	4 killed, 3 injured	Shelling and shrapnel were to blame for the deaths. 🌐 Link to Source
21 April	Minbya Township, Rakhine State	1 killed	A driver for the WHO was killed by gunfire while transporting swabs to be tested for COVID-19. 🌐 Link to Source

Date	Location	Civilian Toll	Details
16 April	Kyauktaw Township, Rakhine State	1 killed, 12 injured	Those injured in gunfire, include ethnic Rakhine, Rohingya and one Bamar. Three men are also missing. 🌐 Link to Source
13 April	KyaukSeik, Ponnagyun Township, Rakhine State	8 killed, 8 injured	LIB 550 fired artillery shells into the community. 🌐 Link to Source
12 April	Ah Lel Kyun, Ann Township, Rakhine State	1 killed, 3 injured	Evening artillery fire killed an 18-year-old boy at home. 🌐 Link to Source
11 April	Gananmae, Ponnagyun Township, Rakhine State	1 died	An elderly man suffered a heart attack in response to one week of shelling near his village. 🌐 Link to Source
10 April	Waithali, Mrauk-U Township, Rakhine State	2 injured	A man and a teenage boy were hit by shrapnel when an explosion occurred on the road, believed to be a landmine. 🌐 Link to Source
8 April	Sin Oo Tike, Ann Township, Rakhine State	4 injured	The villagers were hit by an artillery shell while they were trying to hide in a bunker. 🌐 Link to Source

Date	Location	Civilian Toll	Details
7 April	Nanchaungwa, Pal-etwa Township, Chin State	7 killed, 8 injured	The air attack also destroyed homes. Two of those injured were in critical condition. A similar attack on the village of Bawngwa on 31 March also burned homes, but had no casualties. 🌐 Link to Source
7 April	Boat near Kan Htaung Gyi, Myebon Township, Rakhine State	1 injured	A man was shot in the leg while traveling past a known Myanmar military outpost and has been unable to seek medical treatment for his wound due to restricted travel. 🌐 Link to Source
7 April	Lanmadaw, Kyauktaw Township, Rakhine State	1 injured	A teenage boy was shot in the back after hearing gunfire in a nearby village. 🌐 Link to Source
5 April	Motsoe Chaung, Rathedaung Township, Rakhine State	1 killed	Landmine explosion in area of clashes killed a man tending to his buffaloes in an area with frequent clashes. 🌐 Link to Source
3 April	Letwei Sarteik, Ponnagyun Township, Rakhine State	1 injured	A man was wounded by shrapnel from an artillery shell while he walked along a road. Explosions reportedly continued for more than 12 hours. 🌐 Link to Source
1 April	Various locations, Kyauktaw Township, Rakhine State	5 killed, 8 injured	Those killed were at home. Eyewitness said it was “like it was raining bullets,” and both heavy weapons and small arms were used. 🌐 Link to Source 🌐 Link to Source

Date	Location	Civilian Toll	Details
31 March	Bawngwa, Paletwa Township, Chin State	2 injured	<p>More than one dozen homes were burned in an airstrike.</p> <p>🌐 Link to Source</p>
30 March	Maylun and Chaungnet, Minbya Township, Rakhine State	2 killed, 2 injured	<p>Five helicopters dropped bombs that killed a 16-year-old boy and injured both his parents. Another man was killed by shrapnel.</p> <p>🌐 Link to Source</p>
29 March	Hpa Pyo, Minbya Township, Rakhine State	2 killed	<p>The individuals were burned alive, as Myanmar military troops torched 11 homes.</p> <p>🌐 Link to Source</p>
29 March	Ma Nyin Taung, Rathedaung, Rakhine State	3 injured	<p>The injured were interrogated at a military checkpoint outside of Sittwe, where they went to seek treatment for injuries in two landmine blasts.</p> <p>🌐 Link to Source</p>
27 March	Chay, Minbya Township, Rakhine State	1 killed, 16 injured	<p>A 10-year-old boy was killed after fighter jets bombed the villages. Among those injured were 7 children, and two people in critical condition.</p> <p>🌐 Link to Source</p>
25 March	Fifth Mile, Maungdaw Township, Rakhine State	1 injured	<p>A family's house was "riddled with bullets" shot by a Myanmar military battalion stationed on the nearby road, and their teenage daughter was hit by a stray bullet while trying to escape.</p> <p>🌐 Link to Source</p>

Date	Location	Civilian Toll	Details
23 March	Che Taung, Minbya Township, Rakhine State	1 killed, 15 injured	Air strike occurred hours after the govt declaration of the AA as a terrorist organization. The casualty was a child. 🌐 Link to Source 🌐 Link to Source

Karen State

The KNU – an NCA signatory – reported nearly 60 clashes in its territory with the Myanmar military in the first three months of 2020 alone.⁹⁵ There are also multiple instances of the Myanmar military recently shelling villages in Karen State's Mutraw District (known as Hpapun in Burmese), a stronghold of the KNU and the home of the internationally lauded indigenous conservation initiative, the Salween Peace Park. Road construction and expansion by the Myanmar military into KNU territory – ongoing since 2016 – has been cited as the cause of much of the ongoing fighting in the area. While roads into Mutraw District are referred to as development projects by the Myanmar military and government, they

are unwelcomed by the local population and cited by the KNU as a violation of the NCA.⁹⁶ Progressive Voice has previously described these roads as “a form of militarization that opens up previously inaccessible KNU territory”⁹⁷ to occupation by the Myanmar military, and are thereby a threat to human and environmental rights, ethnic governance, and to peace. Because it has its own Karen-led political and social infrastructure, the Salween Peace Park area in Mutraw is cited by local leaders as “an example of how to build a federal governing system,” which they add, the “military has the objective of destroying.”⁹⁸

On 31 March, government troops shot dead a village headman who had also served as a

95 Network Media Group. “First Months of 2020 See Dozens of Clashes Between Burma Army, KNU.” 2 April 2020. Available at: <http://www.nmg-news.com/2020/04/02/10414>

96 Sally Kantar. “Military road defies Myanmar national ceasefire, fuels insecurity.” 12 September 2019. Al Jazeera. Available at: <https://www.aljazeera.com/news/2019/09/military-road-defies-myanmar-national-ceasefire-fuels-insecurity-190911010244615.html>

97 Progressive Voice. “Business as Usual for the Myanmar Military.” 9 April 2020. Available at: <https://progressivevoice-myanmar.org/2020/04/09/business-as-usual-for-the-myanmar-military/>

98 KIC. “Interview With KPSN Spokesperson NawWahkhushee.” 22 April 2020. Available at: <http://kicnews.org/2020/04/kpsn-%E1%80%B1%E1%80%BB%E1%80%95%E1%80%AC%E1%80%81%E1%80%BC%E1%80%84%E1%80%B9%E1%80%B7%E1%80%9B-%E1%80%B1%E1%80%94%E1%80%AC%E1%80%B9%E1%80%9D%E1%80%AB%E1%80%B8%E1%80%81%E1%80%B0%E1%80%9B%E1%80%BD/>

leader of a community forest within the peace park, 56-year-old Saw Thet Mee of Htee Baw Kee Village in Mutraw District. According to the KPSN, he was returning with food for IDPs in the forest, and was shot while crossing a road. In a 2 April statement, KPSN attributed Saw Thet Mee's death to "decades of inaction by the international community over the killings of ethnic people in Burma."⁹⁹

The civil society network pointed to the killing of Saw Thet Mee as evidence that the military has used the international attention focused on the COVID-19 pandemic to "step up their agenda of repression, especially against ethnic people."¹⁰⁰ Later, on 17 April, KPSN contrasted the government's urban response to the coronavirus to the state-sponsored violence against Karen villagers.¹⁰¹ The former

included a two-week lockdown to encourage social distancing in Yangon, the public distribution of masks to government health workers in state capitals, and Burmese language awareness materials; the latter involved near daily shelling of 11 Mutraw District villages by more than one dozen Myanmar army battalions since January, and the burning of hundreds of acres of farmland. It is of note, then, that KNU stands accused by the Myanmar government¹⁰² of breaching the NCA because it implemented COVID-19 prevention activities within its territory. The government has not leveled the same accusation against the Myanmar military for its ongoing offensives and killings of civilians as well as for its obstruction of EAOs' COVID-19 prevention activities.

Shan State

Medics from the RCSS have been providing basic health checks and promoting COVID-19 awareness in southern Shan State. Yet on one such visit on 12 April to Nar Won Village tract in Mongpan Township, the Myanmar military's LIB 153 opened fire on RCSS soldiers while RCSS medics were carrying out medical checks in the village. According to the RCSS, the same

military column has tried to block their health team from entering the area since early April, and locals have said that government troops have warned them against accepting healthcare from RCSS medics.¹⁰³

Within two days of the 23 March confirmation of the coronavirus' presence in Myanmar, the RCSS reported that the Myanmar mili-

99 Karen Peace Support Network. "Media Release From the Karen Peace Support Network: Burma Army Kills Karen Community Leader Shopping for Food." 2 April 2020. Available at: <https://www.facebook.com/KPSN.karen/photos/pcb.2622917034651888/2622935031316755/?type=3&theater>

100 Ibid.

101 Karen Peace Support Network. "COVID-19 response in Burma exposes glaring double standards." 17 April 2020. Available at: <https://www.facebook.com/KPSN.karen/photos/pcb.2635124270097831/2635114806765444/?type=3&theater>

102 Mon News Agency. "Karen State Security and Border Affairs Minister Oppose KNU's Response to COVID-19." 20 April 2020. BNI Multimedia Group. Available at: <https://www.bnionline.net/en/news/karen-state-security-and-border-affairs-ministry-oppose-knus-response-covid-19>

103 Nang Seng Nom. "Burma Army Attacks RCSS While Shan Medics Perform COVID-19 Wellness Checks." Shan Herald Agency for News. 15 April 2020. Available at: <https://english.shannews.org/archives/20783>

tary troops attacked their camp in Mongton Township, a charge which the military denied, instead alleging that the RCSS “ambushed” them.¹⁰⁴ According to RCSS sources, the Myanmar military troops proceeded to arrest and detain a village headman and his son; the headman remains in military custody, according to local media.¹⁰⁵ Tension continues to be high in both Mongton and neighboring Kesi, as well as Mong Kung, with an RCSS spokesperson saying that he “cannot predict” when clashes will next erupt.

In northern Shan State, three ethnic Ta’ang civil society organizations released a joint statement on 8 April accusing the military of continuing to perpetrate violence against

civilians amid the coronavirus pandemic.¹⁰⁶ Like the attacks on civilians in Rakhine State, representatives of the Ta’ang CSOs said that the abuses were occurring “almost every day,” and ranged from the killing of a village headman to the arrest and detention of villagers to the cutting of phone communications and the beating of women and children in Moemeik (Mongmit) and Mangton Townships.¹⁰⁷

“Everybody is busy with this pandemic. I think that the Burma Army is taking advantage of that and is committing human rights abuses in this situation,” a spokesperson for the Ta’ang Women’s Organization, one of the signatories to the statement, told local media.¹⁰⁸

104 Lawi Weng. “Myanmar Military: Troops Attacked in RCSS Ambush.” *The Irrawaddy*. 25 March 2020. Available at: <https://www.irrawaddy.com/news/burma/myanmar-military-troops-attacked-rcss-ambush.html>

105 Ying Ying. “Burma Army Arrests Eastern Shan State Villagers Following Clashes With RCSS.” *Shan Herald Agency for News*. 29 March 2020. Available at: <https://english.shannews.org/archives/20565>

106 Ta’ang Students and Youth Union, Ta’ang Women’s Organization, Ta’ang Legal Aid. “Statement of the Ta’ang Community Based Organizations on Serious Human Right Violations by the Burmese Military.” 8 April 2020. Available at: <https://progressivevoicemyanmar.org/2020/04/08/statement-of-the-taang-community-based-organizations-on-serious-human-rights-violations-by-the-burmese-military/>

107 Network Media Group. “Amid COVID-19 Pandemic, Tatmadaw Continues Abusing Ta’ang Civilians, CSOs Say.” 13 April 2020. Available at: <http://www.nmg-news.com/2020/04/13/10479>

108 Ibid.

6. Political Exploitation of the Virus: ‘Fake News,’ Misinformation, and Hate Speech

Both unofficial and official statements on the coronavirus in Myanmar have helped craft a narrative in which the state claims to be utilizing all available resources to care for vulnerable communities in spite of efforts by EAOs their alleged allies to destabilize them. This is apparent in Facebook posts by questionable entities, statements from government ministries, and an amped up public relations campaign by the military and its political allies.

An unverified Facebook “news and media” page entitled - ပြည်ထောင်စုတပ်မတော် (Pyidaungsu Tatmadaw) - in English translated to “Union Military” - was created on 14 February, once the threat of coronavirus had already begun to spread. It has been a growing source of anti-EAO propaganda throughout the coronavirus pandemic, gaining thousands of “likes”

throughout March and April.

The aforementioned Ta’ang CSOs’ statement was re-printed on the Pyidaungsu Tatmadaw Facebook page on the day it was released, but with a large “X” superimposed over the text. It alleged that the statement had made false accusations and had been written by the TNLA “pretending” to be civil society. Before and since the 8 April statement, most of the page’s posts have been attempts to delegitimize the AA. The shift to condemn Ta’ang civil society organizations could indicate a broader perception of who is considered an enemy of the state. The allegation that Ta’ang civil society actors and activists are TNLA agents mirrors the pattern used by the government and military to target journalists and ethnic media for perceived links to the AA.

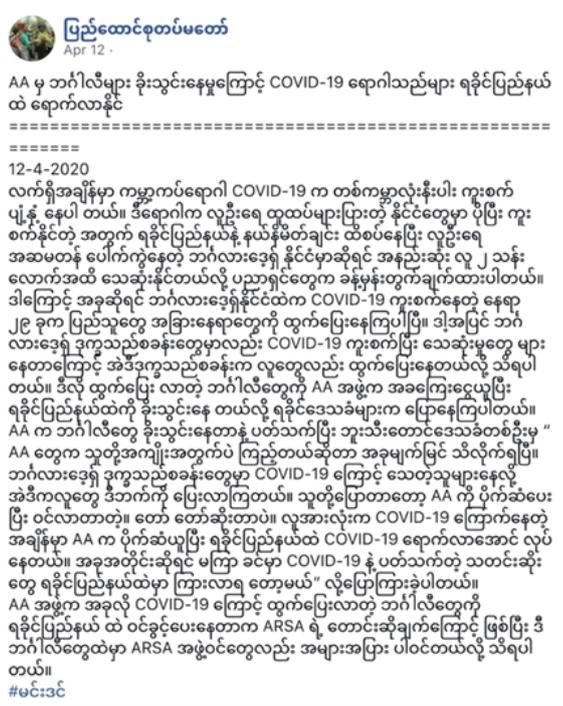


A Ta’ang civil society statement dismissed as TNLA propaganda on 8 April 2020.
(Photo: ပြည်ထောင်စုတပ်မတော် Pyidaungsu Tatmadaw / Facebook)

If the page is in fact affiliated with the Myanmar military and its security forces – which was previously barred by Facebook for using the platform to incite violence against the Rohingya– it marks a dangerous shift in which ethnic community-based organizations and ethnic civil society may be increasingly targeted for persecution by the state.¹⁰⁹

The Pyidaungsu Tatmadaw Facebook page also published a concerning post on 12 April under the hashtag #MinDinn, a pen name for one of the many shadow writers known for creating military propaganda and anti-Muslim rhetoric.

It could not be independently confirmed who actually authored the post, which alleged that the AA was “bringing COVID-19 into Rakhine State” by “secretly importing Bengalis” into the country across the Bangladeshi border. The accusation played on a racist reference to the Rohingya Muslims. The post suggested that the Rohingya were leaving refugee camps in Bangladesh to escape the spread of coronavirus, but were infected themselves, and that the AA was facilitating their return to Myanmar in exchange for bribes.



A 12 April Facebook post on the Pyidaungsu Tatmadaw page. (Photo: ပြည်ထောင်စုတပ်မတော် Pyidaungsu Tatmadaw / Facebook)

The post is one of the first of its kind to simultaneously blame both the Rohingya and an EAO for the spread of the coronavirus, demonstrating how COVID-19 is weaponized for political gain, with the military as the primary beneficiary. The 12 April post – and the

Pyidaungsu Tatmadaw page – is also reminiscent of the type of anti-Rohingya sentiment that was once prevalent on Facebook prior to, during and following the so-called “clearance operations” by the Myanmar military and security forces against the Rohingya in 2017. These

109 Kaleigh Long. “Facebook Investigated Myanmar’s Military-Linked Accounts. It Found A Covert Propaganda Campaign.” TIME. 31 August 2018. Available at: <https://time.com/5383780/myanmar-facebook-propaganda-rohingya/>

offensives involved mass murders, rapes and gang rapes, and the systematic destruction of homes and villages resulting in more than 700,000 Rohingya forcibly displaced across the border from Rakhine State to Bangladesh. The case is currently under investigation by ICC and Myanmar stands to face the World Court for its crimes committed against the Rohingya. The anti-Rohingya hate speech was later linked to accounts quietly controlled by the military

Promoting an agenda

Vitriol toward the ethnic resistance is also unmistakable in official government statements, which dedicate significant space to categorizing EAOs as enemies of the state, and serve to warn anyone even remotely associated with them that they are a possible target of repressive measures. Around half of a nearly 900-word 10 April statement by the Ministry of Foreign Affairs (MoFA) – headed by State Counsellor Aung San Suu Kyi – on “leaving no one behind” in pandemic relief in Rakhine State was concentrated on reinforcing the government’s label of the AA as a terrorist organization and contextualizing the Myanmar military as enduring “massive attacks” by the EAO.¹¹²

This MoFA update defended both the government-imposed internet blackout in Rakhine State and the 23 March declaration of the AA as a terrorist organization. Ironically,

but disguised as pages focused on news, entertainment or celebrities. These pages were taken down by Facebook in 2018, after the UN Fact-Finding Mission classified them as comprising “a carefully crafted hate campaign.”¹¹⁰ A New York Times report later described the online operation as one of “the first examples of an authoritarian government using the social network against its own people.”¹¹¹

the statement, which was originally published on Facebook, accused the AA of “misusing” the internet to promote its own agenda. There was no mention of the Myanmar military’s offensives, air strikes, or refusal to declare a ceasefire – even during the pandemic – demonstrating a total disregard for and the whitewashing of the root cause of conflict: the military-driven Bamar-Buddhist state-building project, which is now also an increasing threat to public health for all people in Myanmar.

MoFA described the civil war in Rakhine and Chin States as a context with “considerable challenges” to the delivery of humanitarian aid, stating that the country had “scaled up” its coordination with UN agencies, the World Food Programme and the International Committee of the Red Cross to bring assistance to conflict-affected communities. Yet the use of coded, non-committal language in such statements –

110 Independent International Fact-Finding Mission on Myanmar. Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar. UN Human Rights Council. 10 September 2018. P. 168.

111 Paul Mozer. “A Genocide Incited on Facebook, With Posts From Myanmar’s Military.” The New York Times. 15 October 2018. Available at: <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>

112 Ministry of Foreign Affairs. “Myanmar leaves no one behind in its fight against COVID-19 in Rakhine State.” Global New Light of Myanmar. 11 April 2020 (Originally posted on 10 April 2020). Available at: <https://www.globalnewlightofmyanmar.com/myanmar-leaves-no-one-behind-in-its-fight-against-covid-19-in-rakhine-state/>

including terms like the “possible streamlining” of travel authorizations and claims that consultations with aid providers were “underway” – exemplifies the fundamental lack

of guarantees that the Myanmar state is and has been willing to provide regarding humanitarian access to conflict areas.

Coronavirus as an opportunity for political party promotion

The Conservative – a Facebook page which describes itself as “promoting patriotism” – is known for sharing news related to the military and the military-backed USDP. On 10 April, it posted an announcement that the USDP had donated 820,000 medical masks to people throughout the country. Two days earlier the site praised political parties – including the USDP, the NLD, the National Democratic Force (NDF), the People’s Party, and the People’s Pioneer Party – for all spraying disinfectant in communities to prevent

coronavirus. Included with the post were photos of bleach packs featuring the political parties’ logos. People Media also accused the NLD on 30 March of selling masks with its logo for 800 kyat in Yangon’s Bahan Township; a party spokesperson described the action as “unacceptable” and said that the party would respond accordingly. The symbolism of these political entities embedded in COVID-19 relief efforts is particularly conspicuous during an election year; voting in Myanmar is still expected to be held in November 2020.



From left, bleach disinfectant canisters marked with the USDP logo; people wearing t-shirts representing the People’s Party distribute hand sanitizer. Posted on 8 April 2020. (Photos: The Conservative / Facebook)



A man sprays a cannister filled with disinfectant and marked with the logo of the National Democratic Force (L) and the NLD (R). Posted on 8 April 2020. (Photos: The Conservative / Facebook)

Throughout March, the military also maintained a public relations campaign of its COVID-19 prevention efforts. This involved a range of activities including, but not limited to, soldiers spraying disinfectant in the homes of retired military officials in Karen State, the Naypyidaw general hospital, and a nursing

home also in Naypyidaw and distributing military-made soaps, hand sanitizer gels and green face masks – the color associated with the Myanmar military – in monasteries and a hospital in Mandalay, as well as in Patheingyi, in Irrawaddy Region.



“820,000 masks have been sent to the respective regions/states as donations for the people. For the People (with USDP logo)” Posted on 8 April 2020. (Photo: The Conservative / Facebook)



Face masks made in a military garment factory, shared on social media on 6 April.

(Photo: Khin Soe Lwin / Facebook)

Perhaps most concerning in the military's coronavirus-related public relation campaign is the widespread donation of the drug chloroquine to public hospitals throughout Shan State, in the Karenni State capital of Loikaw, and to health workers in other border areas under the Myanmar government control. On documents detailing these activities seen by Progressive Voice, the chloroquine was donated "for use in COVID-19 treatment." Chloroquine is used to fight malaria. According to the US-based Centers for Disease Control and Prevention, "there are no drugs or other therapeutics presently approved by the U.S. Food and Drug Administration to prevent or treat COVID-19."¹¹³ A recent study in Brazil was halted after several COVID-19 patients died

due to cardiovascular side effects after taking chloroquine as part of their treatment.¹¹⁴ Like other military outreach activities applauded during the pandemic, the distribution of chloroquine was an uninformed and tokenistic gesture that risks causing harm rather than contributing to a systematic national response.

In another public show of staged benevolence, on 25 April the Myanmar military revealed in a press conference that it was in possession of two Cobas 6800-model machines capable of testing for COVID-19, and 2,000 reagents for processing the tests, which it would allow the government to use.¹¹⁵ In keeping with the highly centralized nature of the country's health system, the sole facility for processing COVID-19 tests is the National Health Lab-

113 Centers for Disease Control and Prevention. "Information for Clinicians on Investigational Therapeutics for Patients with COVID-19." 25 April 2020. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/therapeutic-options.html>

114 Reuters. "True claim: Brazilian chloroquine study on COVID-19 patients was halted after 11 deaths." 18 April 2020. Available at: <https://www.reuters.com/article/uk-factcheck-brazilian-chloroquine-study-idUSKBN21Z395>

115 Thiha Lwin. "Myanmar Military to Lend State-of-the-Art Machines for Public COVID-19 Testing." 27 April 2020. The Irrawaddy. Available at: <https://www.irrawaddy.com/specials/myanmar-covid-19/myanmar-military-lend-state-art-machines-public-covid-19-testing.html>

oratory in Yangon, and the rate of testing is 0.02 percent; at the time of reporting, around 14,000 tests had been conducted in total in a country of 54 million.¹¹⁶ That is why it is particularly egregious that the Myanmar military remained silent about its own reserve of life-saving medical facilities for more than one month after COVID-19 was confirmed in the country. The military's showcase of its leading role on the pandemic's emergency response team while withholding testing equipment and other facilities from public use is reflective of the long-standing practice of ensuring its own security before that of the people.

The sanitized image constructed throughout this crisis by the NLD government, the

military, and their supporters is largely an attempt at fostering popularity and legitimacy, both with the local population and in the eyes of the international community. Domestically, the authorities have attempted to portray themselves as the nation's saviours, committed to simultaneously controlling the external threat of coronavirus while safeguarding the country from the internal threat of "terrorism." The careful construction of a narrative of "complicated contexts" and "limited capacity" allows international aid and investment to continue to flow into the country through the central Myanmar government and inevitably into the military's coffers, now in the name of pandemic response.

116 MoHS. "Coronavirus Disease 2019 (COVID-19) Surveillance Dashboard (Myanmar)." Available at: <https://doph.maps.arcgis.com/apps/opsdashboard/index.html#/f8fb4ccc3d2d42c7abo59odbb3fc26b8/>

7. Same Centralized Health System, Same Aid Structures, New Virus



Since it came to power in 2016, the NLD-led government has made little progress in reforming the country's highly centralized and failing healthcare infrastructure

Since it came to power in 2016, the NLD-led government has made little progress in reforming the country's highly centralized and failing healthcare infrastructure, to which it consistently dedicates less than 5 percent of its annual budget. According to the last WHO assessment of world health systems,¹¹⁷ Myanmar was ranked 190 out of 191 countries for its overall performance and was described as having some of the “least fair financing” in the world.¹¹⁸ With the exception of selected urban areas, the country largely fails to meet the WHO minimum of 1 doctor for every 1,000 people.¹¹⁹ In rural areas of ethnic states in particular, local people have long described a range of troubling health scenarios rooted in neglect, ranging from a complete lack of state

medical services, to government clinics built and abandoned without staff, medicine, or equipment.¹²⁰

This health system is now entrusted with mitigating a pandemic and equitably providing medical services to populations it has never effectively served. Conspicuously excluded from healthcare reform, national coronavirus response, and international aid to fight the pandemic are ethnic health organizations (EHOs) and community-based humanitarian response organizations. For decades, these institutions have provided basic healthcare for nearly 1 million of the country's most vulnerable populations in conflict areas and territory outside of government administration.

‘Well-Equipped’ or ‘Ignoring Needs’?

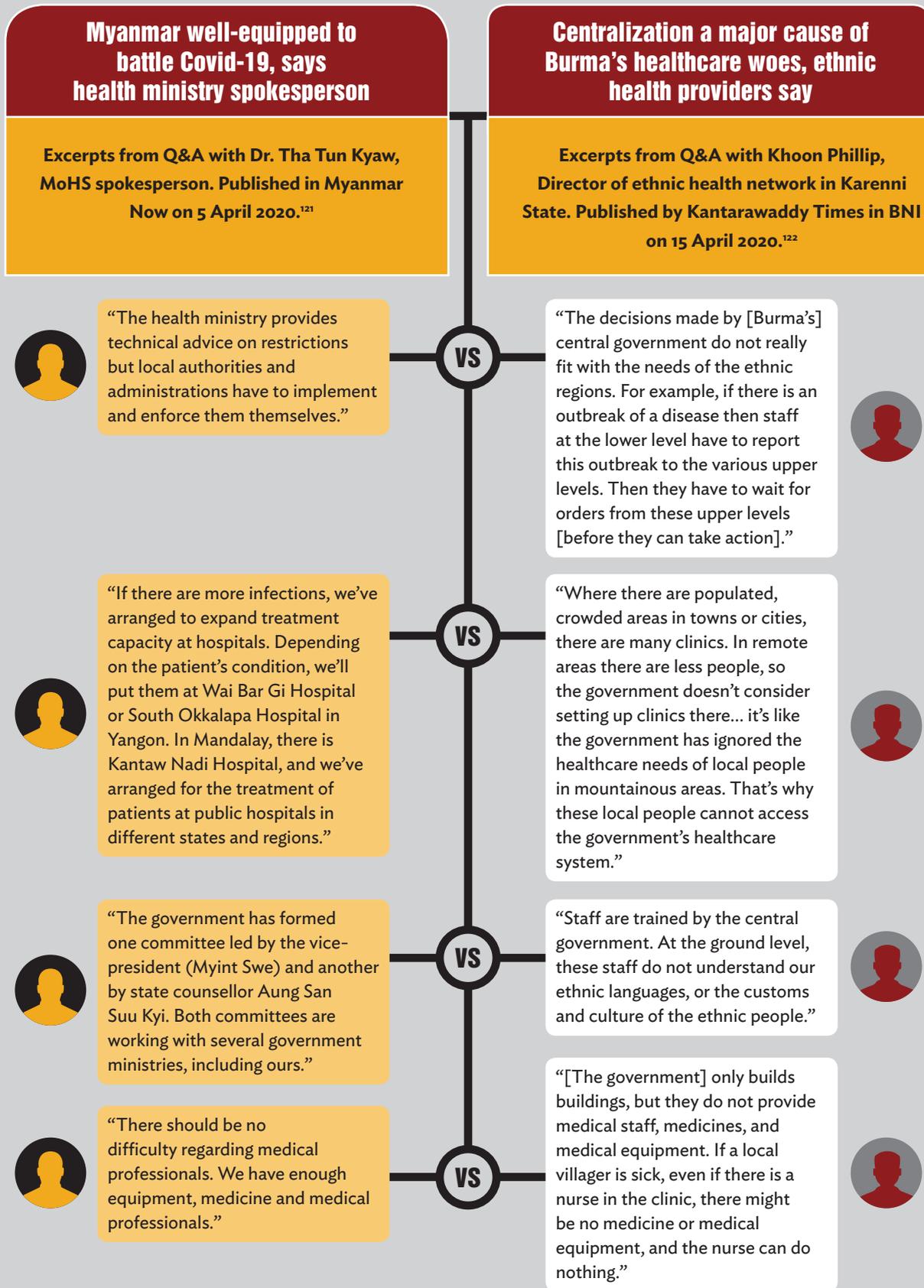
Spokespersons for both the MoHS and an ethnic health network in Karenni State were interviewed by local media in April about the performance of Myanmar's healthcare system in the wake of COVID-19.

117 The WHO no longer produces these world rankings “because of the complexity of the task.”

118 World Health Organization. “WHO World Health Report 2000 – Health Systems: Improving Performance.” June 2000. Available at: <https://www.who.int/whr/2000/en/>

119 Yu Mon Saw, Thet Mon Than, et al. “Myanmar's human resources for health: current situation and its challenges.” *Heliyon* Vol. 5,3 e01390. 27 March 2019. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6441837/>

120 Kantarawaddy Times. “Centralization a Major Cause of Burma's Healthcare Woes, Ethnic Health Providers Say.” 15 April 2020. *Burma News International*. Available at: <https://www.bnionline.net/en/news/centralization-major-cause-burmas-healthcare-woes-ethnic-health-providers-say>



121 Nyan Hlaing Lin. “Myanmar well-equipped to battle Covid-19, says health ministry spokesperson.” Myanmar Now. 5 April 2020. Available at: <https://myanmar-now.org/en/news/myanmar-well-equipped-to-battle-covid-19-says-health-ministry-spokesperson>

122 Kantarawaddy Times. “Centralization a Major Cause of Burma’s Healthcare Woes, Ethnic Health Providers Say.” 15 April 2020. Burma News International. Available at: <https://www.bnionline.net/en/news/centralization-major-cause-burmas-healthcare-woes-ethnic-health-providers-say>

The bulk of international aid for fighting COVID-19 in Myanmar continues to be funneled through the central Myanmar government in Naypyidaw, with claims that it will still reach the country's most marginalized. Access to Health (A2H) – the 2019 successor to the 3MDG Fund – is arguably the most prominent health fund in the country, endowed with \$215 million in pooled foreign aid to be managed by UN Office for Project Services and spent in Myanmar during a five-year period lasting through 2023.¹²³ At the time of reporting, out of A2H's specially designated \$7.2 million COVID-19 response fund, just \$300,000 had been dedicated specifically to EHOs, with an additional \$100,000 for local health teams operating in southern Shan State – comprising less than 6 percent of the total COVID-19 response budget.¹²⁴ However, more than \$3 million of the A2H COVID-19 response fund is allocated directly to the MoHS, and \$1 million will go to a UNOCHA-managed fund for COVID-19 response in conflict areas,¹²⁵ despite heavy government restrictions on international agencies' access to these war-torn regions.

On 20 April, the World Bank approved a \$50 million “credit” to the Myanmar state health system through “fast-track financing” for equipment and capacity-building of MoHS staff in relation to coronavirus treatment and prevention.¹²⁶ Of note was that one of the funding priorities was support for health in densely populated areas which are globally considered the most at-risk in the pandemic; in Myanmar, it is the most remote areas that have the least-developed health infrastructure and arguably the most marginalized and disenfranchised communities.

When substantial funds are channelled solely through the central government and not equitably in support of ethnic health response efforts, questions are raised regarding whether the international conflict sensitivity principles of “do no harm” are being violated in the process of COVID-19 aid distribution. The Myanmar state, which has made ethnic communities vulnerable through ongoing civil war and dysfunctional social infrastructure, is once again being entrusted by the international community to protect them, this time from a pandemic – the latest but not the only threat to their lives.

123 Access to Health. “About: Governance.” Copyright 2020. Available at: <https://www.accesstohealthfund.org/en/about>

124 Access to Health. “Covid19 Response Dashboard.” Copyright 2020. Available at: <https://www.accesstohealthfund.org/en/COVID19-dashboard>

125 Ibid.

126 The World Bank. “Myanmar: \$50 Million in Fast-Track Financing for National COVID-19 Emergency Response.” 20 April 2020. Available at: <https://www.worldbank.org/en/news/press-release/2020/04/20/myanmar-50-million-in-fast-track-financing-for-national-covid-19-coronavirus-emergency-response>

Conclusion

During the COVID-19 crisis, the NLD administration has systematically and strategically ceded power to the Myanmar military through a political partnership that, in less than two months, has further diminished the people's rights to human security, access to information and free expression. In war-torn communities, this alliance has and will continue to

cost civilians their lives.

This was publicly sealed on 21 April in a statement¹²⁷ issued by State Counsellor Aung San Suu Kyi herself, who applauded the armed forces for defending the country against ethnic “terrorists” whom she alleged were undermining coronavirus response efforts:



We pay tribute to the members of the Tatmadaw who have discharged their duties with courage and dedication, and sacrificed their lives to defend the lives and property of our people from the ULA/AA terrorist group, who have been engaged in destructive activities at this time when the Government, the people and well-wishers are all engaged in endeavours for the prevention, containment and cure of COVID-19.”

Office of State Counsellor Aung San Suu Kyi, 21 April 2020

If the war crimes, crimes against humanity, and genocide of which the Myanmar state stands accused had not already made apparent the military's intentions toward its own people, then the air strikes, artillery shelling, arbitrary arrests, torture, and extrajudicial killings during COVID-19 has. Even with ongoing proceedings to address their criminal accountability at the ICC and ICJ for the perpetration of heinous crimes, Myanmar military has continued committing grave human rights violations under

the cover of the pandemic with impunity, as was noted by the former UN Special Rapporteur, Yanghee Lee, in her outgoing statement on 29 April: “For decades, [the Myanmar military's] tactics have intentionally maximised civilian suffering.”¹²⁸ If the government is sincere about differentiating itself from the military with which it is now intertwined, it is imperative that they grant international accountability mechanisms unobstructed access to Myanmar, not only as a probe into current abuses, but also

127 Office of the State Counsellor. “Office of the State Counsellor releases statement expressing sadness over civilian casualties in Rakhine, Chin states.” 22 April 2020 (Originally published on 21 April 2020). Global New Light of Myanmar. Available at: <https://www.globalnewlightofmyanmar.com/office-of-the-state-counsellor-releases-statement-expressing-sadness-over-civilian-casualties-in-rakhine-chin-states/>

128 UN OHCHR. “Myanmar: “Possible war crimes and crimes against humanity ongoing in Rakhine and Chin States” – UN Special Rapporteur Yanghee Lee.” 29 April 2020. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E>

to investigate previous waves of violence. To this end, the government must also withdraw their own repressive orders, including the internet ban in Rakhine and Chin States, criminal charges against journalists, and the “terrorist” label designated to EAOs.

In a country plagued by decades of physical violence and institutionalized discrimination, COVID-19 interacts with and preys upon existing patterns of oppression; it is unlikely to be controlled or defeated amid an escalating civil war. The virus has granted the Myanmar military an opportunity to silence those perceived to be a threat to its long-term hegemony. Thus

far, this includes EAOs and anyone deemed to be their allies, as well as journalists and media organizations, which provided much of the information consolidated in this paper. If left unchecked, human rights defenders and other members of the resistance are likely to be targeted and persecuted by both the NLD administration's repressive directives and the military measures that enforce them. The threats have been established; they must not continue unchallenged by the international institutions and actors that claim to support a democratic future for Myanmar and to stand in solidarity with the country's most marginalized.

Recommendations

To the Myanmar Military and the Myanmar Government

- Declare and implement an immediate, meaningful and comprehensive nationwide ceasefire in line with CSO, EAO, and international demands;
- Immediately halt all violence against ethnic nationalities and stop the perpetration of human violations throughout the country, particularly in conflict-affected ethnic areas;
- End all restrictions on and ensure the free passage of humanitarian aid and necessary COVID-19 response assistance to all areas, with special consideration for and attention to rural ethnic and conflict-affected areas;
- Immediately cease all threats against and obstruction of efforts being made by EAOs to prevent the spread of COVID-19;
- The military's ample budget must be re-designated for humanitarian purposes rather than creating humanitarian need through the funding of continued armed conflict;
- Issue a moratorium on large-scale investment and natural resource extraction initiatives and hand over decision-making power on the future of these projects to local communities, so they can determine how to move forward with them;
- Immediately withdraw Myanmar military troops from and end militarization of ethnic areas, including military-backed development projects throughout ethnic regions;
- End the discourse of "terrorism" in regard to EAOs and armed conflict and – in place of the current failed peace negotiations – commit to a sincere, all-inclusive political dialogue that respects the equal rights of ethnic nationalities and their right to self-determination;
- Cease prosecution and harassment of journalists, artists, human rights defenders and activists and immediately end the blocks on ethnic media websites;
- Repeal repressive legislation and enact laws that enshrine press freedom and freedom of expression;
- Fully restore internet access throughout Rakhine and Chin States so that local communities have free access to information necessary for their safety and security, and create conditions so that they are also able to update and provide information regarding their situation to those outside of Rakhine and Chin States;
- In recognition of the role of ethnic health organizations (EHOs), provide material resources and funding in support of EHOs' frontline COVID-19 health services in EAOs' respective territories, in line with federal democratic principles;
- Abolish the 2008 Constitution and institute federal democratic charter to ensure healthcare provision is devolved and inclusive.

To International Donors, NGOs, Financial Institutions and Governments

- Call on the Myanmar government and Myanmar military to comply with its international obligations, to abide by international human rights laws and principles and humanitarian law by:
 - Immediately implementing a meaningful and comprehensive nationwide ceasefire
 - Halting the perpetration of grave human rights violations in ethnic areas
 - Ending the internet shutdown and blocks on ethnic media
 - Ensuring the free and unobstructed passage of humanitarian aid
 - Ceasing the prosecution and harassment of journalists, human rights defenders, activists and artists;
- Hold Myanmar accountable for grave international crimes, either through a UN Security Council referral to the International Criminal Court or an ad hoc tribunal;
- Support a moratorium on and withdraw from large-scale investment and natural resource extraction initiatives and demand the Myanmar government give decision-making power on the future of these projects to local communities;
- Amid serious and credible charges against Myanmar for war crimes, crimes against humanity, and genocide, all international donors have a responsibility to ensure that their funds are not misused to offset the cost of ongoing military offensives against ethnic nationalities. It must be understood that in this extremely sensitive political context, the central government is not a neutral actor, and funding directed solely through Naypyidaw threatens to exacerbate armed conflict and undermine ethnic rights and existing ethnic health infrastructures. Therefore, international actors supporting COVID-19 relief efforts must:
 - Make their assistance available to parties on all sides of the conflict through a variety of aid channels to ensure that it reaches the country's most marginalized communities affected by the civil war, including
 - The provision of direct cross-border and equitable funding to EHOs and ethnic community-based organizations providing essential services to displaced persons and other conflict-affected areas for COVID-19 response.



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