



INSIGHT INTO ARAKAN'S RESISTANCE GOVERNANCE

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Mra Thida is a locally based researcher that has been working on research projects within the peace and conflict, good governance and social development sectors, partnering with both national and international organizations.

This paper is part of the SGPA's electronic monograph series presenting a range of perspectives on governance in Burma. The opinions in this paper are the author's own.

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The School of Governance and Public Administration (SGPA) was established in 2021 with the overall aim to prepare Burma's next generation public leaders — current and future public administrators — for serving their people, communities, and territories in the future federal democratic union of Burma. To this end, the school provides high-quality capacity-building programs in leadership, governance, and public administration and this way, hopes to contribute to inclusive development and progress towards a more peaceful and just society. Ultimately, SGPA intends to address both the short-term needs of interim governance structures as well as long-term needs of the future federal democratic union for diverse and professional public administrators, with the ability to effectively lead and manage units of government at all levels.

Executive Summary

Following the 2021 coup in Burma, the military junta has lost control across much of the country due to nationwide strikes, civil disobedience movements, military product boycotts, social punishment, and unprecedented levels of armed resistance. New resistance groups have emerged since the coup and existing resistance groups have expanded. Both new and existing groups have a broad role in governance of their areas. The United League of Arakan/Arakan Army (ULA/AA) has much greater legitimacy than the military junta with the people of Arakan and is their preferred governance actor. The ULA/AA is also already the leading on-the-ground administrative and public service presence in much of Arakan. Further, the ULA/AA is among Burma's most powerful armed resistance groups, holds significant influence through strategic alliances, and is playing a pivotal role in shaping the country's future.

The key role that ULA/AA already has in the governance of Arakan and its importance for Burma's future trajectory, means that it is important that this organization is understood and engaged with by other domestic and international actors. Drawing on interviews with senior members from ULA/AA, this paper provides new information and insights on how ULA/AA's governance system operates, what challenges they face, and how they want to develop and improve their governance systems. This paper uses those insights to provide recommendations to i) the ULA/AA on how to develop and improve their governance systems, and ii) international organizations, national organizations, and foreign governments on how they can assist ULA/AA in this process. These recommendations are:

1. The ULA has a very important role to play in establishing the right political foundations in Arakan, and therefore should continue to prioritize strengthening political representation, nurturing inclusive decision-making, and building its popular support.
2. ULA departments should persist in their efforts to develop policies for priority sectors that currently lack clear directives by conducting internal assessments within their system.
3. The ULA should establish dedicated policy support and research units within each department of their governance system to address operational and technical needs more effectively.
4. International organizations supporting good governance efforts should collaborate with specific ULA departments to help strengthen their policies and practices.
5. Foreign governments should readily engage with the ULA's governance structure, which is open to collaborative efforts for inclusive development and sustainable peace of Arakan.
6. International and national organizations with expertise and resources in governance strengthening activities should establish continuous engagement with the ULA to identify specific areas where they can provide support based on their expertise.
7. Foreign governments interested in addressing the Rohingya refugee crisis should engage with the ULA – this reflects the ULA's capacity to build positive relationships with the Rohingya community and their political legitimacy among the people of Arakan.

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Abbreviations and Acronyms

AA = Arakan Army

APA = Arakan People's Authority

APG = Arakan People's Government

ASPPA = Arakan School of Public Policy and Administration

CSO = civil society organization

ERO = ethnic resistance organization

HDCO = Humanitarian and Development Coordination Office

IDP = internally displaced person

INGO = international non-governmental organization

MNDAA = Myanmar National Democratic Alliance Army

NGO = non-governmental organization

SAC = State Administration Council

TNLA = Ta'ang National Liberation Army

ULA = United League of Arakan

UN = United Nations

1. Introduction

1.1. Burma, Arakan, and the Emergence of the United League of Arakan (ULA)

Burma has suffered decades of authoritarian military governance, pervasive economic hardship, and prolonged armed conflicts with ethnic minority groups fighting the Burmese military for self-determination.¹ Nearly five decades of brutal military rule (1962-2011) resulted in a politics and society that was highly racialized and an economy that had failed to develop. Further, ethnic minority groups have experienced systemic discrimination, limited economic opportunities, underrepresentation in government, and endured military abuses; whereas members of the Bamar ethnic majority have predominated in senior positions within the government and military.² In February 2021 the Burmese military staged a coup, returning the country to military rule after a decade of quasi-civilian rule, and driving increased resistance across much of Burma.

Following the 2021 coup, the Burmese junta has lost effective control of much of the country, due to nationwide strikes, resignations of local administrators, widespread public disobedience, boycott of military products, social punishment, and armed resistance; all of which continue on an unprecedented scale.³ In many areas, administration systems connected to armed resistance movements are gaining control from those connected to the junta. These include: i) long-standing ethnic resistance organizations (EROs), which have their own governance structures; ii) local coalition councils representing specific regions or ethnic groups that are establishing interim state governments; and iii) township-level People's Administration Bodies, including those operating under the National Unity Government and others operating more independently or under coalition councils.⁴

Despite Burma's shift to quasi-democracy in 2011, the Government of Burma system prevailing in the 2010s continued to be extremely centralized, and Rakhine State – like Burma's other states and regions – had little meaningful autonomy. The military-drafted constitution gave few powers to state and region legislatures, and state and region executive branches were appointed by the central government. The imbalance this created was powerfully and controversially illustrated following the 2015 elections, when the central National League for Democracy government appointed their own people as the Chief Minister and cabinet members of the Rakhine State government, despite the Arakan National Party having won a clear majority of elected seats.⁵ This is just one example of many previous decades of marginalization and discrimination in Arakan that fed local grievances against the central Burmese state.

There have been tensions between different communities living in Arakan since at least the 19th century, and these were exacerbated during World War 2 when Rakhine Buddhist and Muslim communities fought on opposing sides for several years.⁶ These long-standing frictions contributed to quite large-scale intra-communal violence in Arakan in 2012 and 2013, which resulted in Muslims largely being displaced from urban areas, with 120,000 being made internally displaced persons (IDPs), and others becoming refugees in Bangladesh.⁷ Further, since the late 1970s, there have been three major offensives by the Burmese military against the Muslim population living in northern Arakan, most recently the offensives of 2016-17, which killed thousands and caused over seven hundred thousand Rohingya to flee to Bangladesh, where there are now over one million refugees in total.⁸

The United League of Arakan/Arakan Army (ULA/AA – hereafter referred to as “ULA”) was formed in 2009, by a small group of Rakhine youths, with the political purpose of fighting for self-determination, equality, justice, and freedom of the people of Arakan.⁹ The ULA has since rapidly expanded in size and influence, and is now one of the most powerful EROs in Burma, and by August 2021 the leader of the ULA already felt able to claim that they controlled 75% of Arakan (by land area).^{10a} After initially building up experience and strength through operations alongside allied EROs elsewhere in Burma, the ULA began military operations in Arakan itself from 2015, and these dramatically escalated in 2018, resulting in two years of intense fighting with the Burmese military. This conflict left more than 230,000 internally displaced, and nearly a thousand injured or killed by artillery shelling, gunshots, and landmine explosions.¹¹ A temporary ceasefire was agreed between the ULA and Burmese military in 2020.¹² Despite some skirmishes, this ceasefire largely held until November 2023, when large-scale conflict resumed (see Appendix).

^a In this study’s interview with the ULA’s spokesperson, he stated that controlling 75% of the land area signified control over both the military and administrative aspects in these areas, and that the ULA have such control in most rural areas across the entire state.

Box 1: An Overview of Arakan's Location and History

Arakan is located in the west of Burma and borders Bangladesh to the west, central Burma to the east, Chin State to the north, and has a long coastline on its south. It is also home to the Kaladan River, which is a potentially significant international trading route with north-east India. Archaeological evidence indicates the continuous presence of city-states in Arakan for nearly 2,000 years, with the Arakan kingdoms of the 15th-17th centuries achieving particular wealth and influence. In 1785 Arakan was annexed by the Konbaung kingdom, and then in 1826 was ceded to the British, following the first Anglo-Burmese war. After Burma gained independence from British rule in 1948, the Arakan region was automatically included as a constituent part of Burma; Arakan was initially only given the status of a division by the central Burma government, but in 1974 was recognized as Arakan State, and then in 1989 the name of Arakan State was changed to Rakhine State.

The British colonial administration aggressively pushed the expansion of rice production in Arakan. In the colonial and post-independence periods, little effort has been made by central authorities to promote economic development and modernization in Arakan. Although Arakan has witnessed several large-scale foreign investments in recent decades these have been centrally controlled and have delivered very little benefit to the local population. For example, in the late 2010s the central government earned USD 214-471 million annually from the Shwe gas field, and the centrally controlled Kyaukphyu port and SEZ project is estimated to have a combined cost of around USD 10 billion. At the same time, Arakan remains underdeveloped and with high rates of poverty – a stark indication of this underdevelopment is that in the late 2010s over 80% of Arakan's residents still relied on firewood as their primary source of cooking fuel. Further, these large centrally-controlled projects have been accompanied by land grabbing and human rights abuses.

Sources: Asian Dignity Initiative, Mineral Inheritors Rights Association, and Publish What You Pay Australia, *Shwe Gas Project*, p. 8; Center for Diversity and National Harmony, *Rakhine State Needs Assessment*, p. 1n; Central Statistical Organisation (CSO), UNDP, and World Bank, *MLCS 2017: Poverty Report*, p. 7; CSO, UNDP, and World Bank, *MLCS 2017: Socio-Economic Report*, p. 53; Government of Burma, *The Constitution of the Union of Burma (1974)*, Article 30 (e); International Crisis Group, *An Avoidable War*, p. 4; Gregory B. Poling, *Kyaukpyu: Connecting China to the Indian Ocean*; 'Military, Chinese Preparations Underway to Open Kyaukphyu Special Economic Zone and Deep Sea Port', *Myanmar Now*; Martin Smith, *Arakan (Rakhine State)*, p. 104.

1.2. The Role of the ULA – and other EROs – in Governance

In 'contested areas' of Burma, one of the ways in which resistance groups such as EROs challenge the legitimacy and presence of the central state is through the provision of public services, and in some territories administrations operated by EROs are considered by the public to be more legitimate than administrations that operate under the central government.¹³ These administration systems were not mandated under Burma's 2008 Constitution, in previous Burmese constitutions, or in laws issued by Naypyidaw. Most EROs have issued their own detailed constitutions and laws, applying to the areas in which they operate, and administer their territories through line departments that are structured like

small government ministries – for example, having multi-tiered hierarchies with administrative leaders and committees for each territory.¹⁴ As a relatively young ERO, the ULA have not yet promulgated their own constitution, but they are currently working on developing it – once completed, the constitution will apply to all of the ULA, including the military wing (i.e. the AA).

Despite strong and mutually beneficial relationships between many EROs and the communities they serve, EROs often have limited capacity to provide adequate security for their people, ensure basic civil rights, or to facilitate inclusive economic development and sufficient social services. As has been argued elsewhere, international assistance to support the civilian administrative bodies of resistance movements (including those of EROs) to help these legitimate governance actors overcome some of their capacity constraints has the potential to help Burma make progress towards effective federalism, democracy, and peace.¹⁵

The ULA utilized the conditions created by its 2020 ceasefire with the Burmese military to rapidly expand its administrative bodies and governance system across Arakan, declaring this to be a significant part of their revolutionary state-building process.¹⁶ Recent research indicates that in Arakan, the various communities including Rakhine, Rohingya, and other minority groups, generally favor the ULA's administrative and justice system over that offered by the Burmese military's State Administration Council (SAC), for reasons including lower corruption and greater efficiency in public service provision.¹⁷

1.3. Purpose and Structure of this Report

The ULA's delivery of public services to the people of Arakan helps to build its popular legitimacy and authority and the ULA is looking to expand these activities. However, there has been little coverage in the existing literature on how the ULA's administrative bodies and governance system are structured and what kind of public services they are providing. Public knowledge on these issues is also low. This report aims to fill some of the gaps in understanding of the current capacity of the ULA's governance, investigate the structures and mechanisms within their administration and governance systems, and search for potential entry points to assist the organization in strengthening its capacity for administration and governance. This report draws on five in-depth interviews conducted in July-September 2023 with senior officials and heads of ULA departments providing public services to the people of Arakan.

The remainder of this report is structured as follows. Section 2 summarizes the research methodology used. Section 3 is an overview of the ULA – its background history, political objectives, and administrative areas. Section 4 describes how four key entities within the ULA's administration are structured and operate, namely the Judiciary Department, Political Department, Land Management Committee, and Humanitarian and Development Coordination Office (HDCO). Section 5 analyses the operational challenges faced by the ULA in its administration and governance. Section 6 gives conclusions and recommendations. The Appendix provides an update on the resumption of large-scale conflict in Arakan between the ULA and the Burmese military since early November 2023, and what this means for the current and future governance of Arakan.

2. Methodology

This study used a qualitative research methodology to gain an in-depth understanding of governance capacity within the ULA, exploring its structure and mechanisms through the experiences and perspectives of administrators providing public services in Arakan, with the purpose of finding opportunities to enhance their capacity. Specifically, five key informant interviews were conducted in July-September 2023. The interviews were conducted either in-person or through Zoom. The interviewees included in this study all hold senior positions within the ULA administration – they were: i) the Spokesperson of the ULA’s headquarters; ii) the Chief of the Political Department; iii) the Secretary of the Central Land Management Committee, (iv) the Chief Judge of the Supreme Court, and (v) the Coordination Director of the HDCO. The evidence presented in Sections 3 and 4 of this report is drawn from these interviews.

A semi-structured interview guide was used, which had open-ended questions covering five main topics: 1) How is the local governance and public administration system currently structured and organized by the ULA?; 2) What kinds of public services are currently being provided by the ULA, and what mechanisms and systems are used to deliver them?; 3) How do ULA administrators understand their roles and responsibilities, and perceive public administration and local governance as such?; 4) What are the strengths and weaknesses of the ULA’s existing governance and administration?; and 5) How can the ULA’s governance and administration be strengthened and what kind of support is needed to do so?

Before the interviews, the researcher communicated with the headquarters of ULA to explain the objectives of the research and to request permission to conduct the research. Subsequently, the researcher needed to send the interview questions to the headquarters of ULA for checking prior to the interviews.

3. An Overview of the ULA

3.1. Background History of the ULA

The AA was established on 10th April of 2009, and has since become one of the most powerful EROs in Burma. After around six years of the AA’s military development, its leaders began thinking of how to grow politically as well. This led to the creation of the ULA on 21st January of 2016, following a one week-long meeting among the leaders of AA, key stakeholders, and politicians of Arakan. This meeting took place in Laiza, located in Kachin State on the Burma-China border.

The AA had an underground political and intelligence presence in Arakan since its inception in 2009 and began engaging in armed clashes with the Burmese military in northern Arakan from 2015 onwards. Prior to 2015, the AA had already spent a number of years engaged in military operations alongside the Kachin Independence Army in Kachin State, and (slightly later) the Ta’ang National Liberation Army (TNLA) and the Kokang’s Myanmar National Democratic Alliance Army (MNDAA) in northern Shan State. During this period, the AA focused on expanding its organizational size, enhancing capacity, and gaining battleground

experience. The intensity of the AA's fighting with the Burmese military in Arakan heightened considerably from 2018 until a ceasefire was agreed upon in 2020. Since then, the AA has significantly expanded its military and political operations in Arakan, has maintained its presence in alliance areas in Kachin State, Karen State, and northern Shan State, as well as recently being involved in some operations with allied groups in Magway and Sagaing Regions.

The Arakan People's Authority (APA) was initiated in 2018, as the AA gained increasing control over certain parts of Arakan. The APA can be thought of as the civil service responsible for implementing the laws and policies decided on by the ULA. The APA's purpose is to provide public services to residents in the liberated areas under the ULA's control. These services currently include managing social problems, addressing legal issues, preventing and solving crimes, and assisting communities in meeting their basic needs. In 2021 the APA was renamed as the Arakan People's Government (APG).

In the context of management, three key political institutions play distinct roles: the AA, serving as the military institution responsible for security and defense; the ULA, functioning as the political institution overseeing political and policy leadership; and the APG, serving as the administrative institution responsible for policy implementation, execution, and service delivery.

3.2. Political Objectives of the ULA

Interviewees described how the main political goal of the ULA is to restore the sovereignty of Arakan, which they said rests on self-determination of the multi-ethnic Arakanese population, the safeguarding and promotion of the national identity and cultural heritage, and the national dignity and the interests of the people of Arakan. It was further stated by the ULA spokesperson that:

“Restoring the sovereignty of Arakan requires building national solidarity among the people of Arakan to create their future and development with their own hands, and to protect the national security of the Arakanese people with absolute harmony among the citizens of the Arakan land.”

ULA leaders stated in the interviews their firm belief that no bargaining is necessary in any future negotiations over Arakan's place within Burma, as ULA attempts to regain the lost sovereignty of the Arakan land in the past. The interviewees describe how the battle they have been fighting for is concerned with the dignity and nation they had lost, that is fighting for restoring the Arakha nation.^b Further, they envision the future Arakha nation as embodying a form of 'social democracy', albeit that this has not yet been clearly defined. One of the interviewees reported that the ULA has publicly stated that confederal status is a minimum demand for Arakan to remain within Burma, and that if this cannot be accommodated by the majority Burmese population they will seek to establish their own independent Arakan country.

^b The Arakanese kingdom, after being conquered by the Konbaung dynasty in 1784, and subsequently the British empire, retained its memory among the people of modern-day Arakan as the 'Arakha Nation.'

An ideology that ULA follows to implement its political aims is the ‘Way of Rakhita’. Interviewees described the Way of Rakhita as ‘Arakan national interest centralism’, which is a political ideology or strategy emphasizing the concentration of authority in the Arakan region for the pursuit and protection of its perceived national interests.^c The ULA has stated that this principle is designed to ensure the interests, development, and security of all of the multi-ethnic people residing in Arakan. The ‘Way of Rakhita’ is commonly understood by the ULA as ‘strong and pragmatic nationalism,’ with a dual focus on two main tasks: i) the state-building process in Arakan, involving the systematic development of administration, legislation, and judiciary; and ii) a nation-building process within Arakan, which aims to promote a shared national identity specific to Arakan land, fostering solidarity among people from diverse ethnic and religious backgrounds.

Since 2019, the ULA has mobilized the 2020 Arakan Dream campaign, which aimed to unite every Arakanese community, irrespective of race and religion, under the common flag of the ULA, with strong solidarity, by the year 2020. The ULA strongly believes that this campaign concept played an important role in enabling them to fulfill their political objectives, and so have since continued this campaign up to the present day. It was beyond the scope of this paper to conduct research with the people of Arakan about their experiences with this campaign, but the author’s impression is that this campaign has so far been effective in helping to reduce some of the dividing lines among different peoples in Arakan and has helped ULA attract and build legitimacy with the various ethnic groups in Arakan.

3.3. The ULA’s Administrative Areas

Within the ULA administrative system, regions are the largest administrative unit below the central level. The ULA currently holds administrative control over 10 regions in Arakan and plans to form additional regions soon. Below regional level, ULA’s administration is based on township, circle, and village levels. Further, the ULA categorizes administrative areas based on the extent of control exerted by the ULA in those areas, i.e. i) ‘Alpha’, where ULA has full control of the township or region; ii) ‘Victor’, where areas are contested with the Burmese military, leading to partial ULA control; and iii) ‘Nova’, where ULA administers with caution as the Burmese military still maintains control. Due to security concerns raised by the interviewees, it is not possible here to quantify the extent of Arakan areas considered by ULA to be under their control, or to name all of the specific townships or regions on their administrative maps.^d

^c N.b. this does not necessarily imply that decision-making authority within Arakan would be highly centralized. Rather, this primarily refers to how authority is allocated between Arakan and the rest of Burma, and that people’s rights and interests are at the centre.

^d Throughout the interview in this study, the spokesperson responded that categorizing the administrative areas is linked to the military control, and it is not feasible to disclose the specific status of each area since sharing such information could potentially inform the Burmese military, which has consistently sought to estimate the size, the controlled area and force preparation of the AA. The number of administrative areas and military-controlled areas are not the same because some areas under the AA’s military control are still in the process of establishing the ULA administration.

Whereas the ULA can fully implement their administration, legislation, judiciary, and provision of other public services in areas under their full control, they encounter some limitations in contested areas – such as Kyaukphyu, Taunggoke, and Sittwe Townships – due to the intense presence of the Burmese military in those locations. The ULA spokesperson highlighted that ULA's influence extends throughout Arakan, evident in the local population's tendency to seek out ULA mechanisms for conflict resolution and problem-solving in their communities, even where the ULA administration does not have much/any physical presence. This claim is supported by a case in downtown Sittwe in 2022, where a local woman staff member was raped and murdered in a mobile service center. Despite the ULA's administration not having an open physical presence in Sittwe, the judicial mechanism of ULA administered the case, resulting in the capture of the perpetrator and him being sentenced to the death penalty, with an appeal subsequently guaranteed.^e

4. Understanding the ULA's Administration and its Provision of Public Services

This section explores the functioning of the ULA's: i) Judiciary Department; ii) Political Department; iii) Land Management Committee; and iv) HDCO. These four bodies are well-established and already play an important role in ULA's expanding governance and service provision to citizens in Arakan. Several other key ULA departments were not possible to cover in this study due to their political sensitivity, for example, the War Office and the Police Department. Some other departments were also not covered by this study due to them being currently under development, and not yet having defined and established procedures, for instance, the Administrative Department, Taxation Department, Department of Legal Affairs, Agriculture Department, Health Department, and Education Department. The ULA's Arakan School of Public Policy and Administration (ASPPA) was also not covered in this study but is another important body within their governance structure.^f

4.1. Judiciary Department

From 2018 until early 2021 the ULA carried out judicial duties through a mobile system – this was a period of intense armed clashes with the Burmese military and before ULA had established such widespread territorial control in Arakan. Local legal experts – who had previously been working as lawyers and judges in the Burmese court system – led this process, in collaboration with the ULA's Administrative Department and relevant regional War Office. The ULA's Judiciary Department was formally established in March 2021 after a Jurisdictional Law was enacted. Currently, the Judiciary Department operates with three levels of

^e N.b. as of February 2024, the appeal process was still ongoing.

^f ASPPA was established in 2022 with the aim to train well-qualified personnel necessary for the Arakha public administration system. Admission forms are currently being issued for the second batch of students. The program is one-year long and covers a range of subjects designed to equip future public administrators, including: public policy, public administration, management, research, academic English, and computer skills.

courts: ‘circle-level’ courts, which cover the village level, village-tract level, and a level that is a collection of several village tracts; ‘regional-level’ courts, which cover areas larger than SAC-defined townships; and the Supreme Court, which covers all of Arakan.

The Judiciary Department’s primary responsibilities include providing judiciary services to the people of Arakan, offering advice and consultations in court-martial cases, promoting legal awareness among the public, and contributing to the ULA’s legislative and constitutional development. The three main objectives of the department are: 1) to implement judicial principles; 2) to take responsibility for judicial affairs; and 3) to organize and advocate for public cooperation when dealing with judicial matters.

The ULA’s Chief Judge of the Supreme Court described how his department adheres to a set of principles laid out in the departmental constitution, including:

- “Maintaining an independent judiciary in accordance with the law.”^g
- “Ensuring transparency by proceeding cases before the public except as limited by law.”
- “Promoting rule of law to establish peace and stability for the people of Arakan.”
- “Providing legal education to enable the public to understand and respect the law.”
- “Resolving and reconciling cases among common citizens within the existing legal framework.”
- “Focusing on behavior reform when administering punishments, with a commitment to not harm the human dignity of convicted criminals.”
- “Ensuring that the jurisdiction process primarily takes place in the lowest court, except in special cases.”^h
- “Imposing punishments in accordance with the relevant laws in force at the time of committing the crime, without exceeding legal limits.”
- “Not retrying the case in which a person has been convicted of a crime by a court of competent jurisdiction and the case has been discharged, unless the case is ordered for a fresh trial after the higher court has set aside the judgment of conviction.”

Citizens of Arakan that use services provided by ULA risk persecution by the Burmese military. Therefore, to maintain the confidentiality of those that use the ULA justice system, the outcomes of most cases are not disclosed to the public. However, for cases that attract wider public attention, explanations are provided through press conferences by the Information Department. In some instances, a designated spokesperson conducts interviews with the media to clarify the outcomes of the respective cases. The Chief Judge of the Supreme Court mentioned that the ULA’s headquarters has established a Telegram channel called ‘Justice for Arakan’ (@justice4arakan) to address jurisdictional and administrative cases. Individuals or groups can register complaints if they are dissatisfied with judgments, and the respective judges or administrators will offer further explanation after a thorough review of the complaint.

^g N.b. all references in this list to ‘the law’ and ‘law’ refer to laws issued by the APG.

^h ‘Special cases’ refers to cases that receive significant attention from the general public and media, such as the 2022 rape case in Sittwe mentioned in Section 3.3 of this paper.

The ‘Justice for Arakan’ telegram channel serves as the formal appeals process of the Judiciary Department as per the law. The people who can use this channel include: i) individuals or groups who wish to submit further complaints about court decisions; ii) individuals or groups reporting cases of power abuse or corruption by ULA administrators or judges; iii) human rights activist groups reporting injustice in Arakan; and iv) individuals seeking to submit anonymous complaints against perpetrators or any ULA officials. Appeals can also be made via a submission to the Political Department, which holds the ability to re-submit a case if there was a misjudgment or corruption by the respective courts, including the supreme court.

4.2. Political Department

The Political Department is led by a Chief and Vice-Chief,ⁱ who are assigned by the ULA headquarters. Competent individuals are also chosen and assigned within the community – i.e. at circle level – to carry out the department’s tasks and to mobilize further members. The Chief of the Political Department said that although the department is structured like a political party, it faces challenges in recruiting party members and assigning responsibilities due to the party’s constitution not yet having been finalized. The detailed responsibilities and rights of party members will be explicitly outlined in the finalized ULA Constitution. Nevertheless, the Political Department already encourages public participation in the ULA’s governance mechanisms by mobilizing individuals interested in supporting ULA’s work to join related departments within ULA’s governance system, such as the Tax Department or Administrative Department.

The Political Department is responsible for mobilizing and organizing the public to generate support and determined action in support of the revolution consistent with the army, to achieve the political goals of ULA, i.e. the “Way of Rakhita” and “Arakan Dream”. The main priority of the Political Department is to stand for the rights of people in Arakan, including to restore the human rights and human dignity that they have lost for many decades. Further, a key principle for the department is to build a new society without discrimination, ensuring justice, freedom, development, and peace for every community living in Arakan.

As well as its role in mobilizing and organizing the public, the Political Department is responsible for addressing community members’ complaints related to administration and judicial decisions, to ensure checks and balances through coordination with various departments and the people of Arakan, and to ensure that the people’s rights are served through fair practices. Political Department chiefs engage with the public to foster transparency and truth while addressing complaints and making departmental decisions. For instance, defendants in cases such as petty theft and trespassing are sometimes released on bail by the courts, in which case the plaintiffs typically express dissatisfaction. In such a scenario, the Political Department is responsible for explaining to the public why the decision was made to award bail to the accused individual(s), to avoid further tension among community members, while also raising

ⁱ N.b. the term ‘Chief’ is only used within the Political Department. Senior positions in other departments include ‘Chairperson’ and ‘Secretary’.

awareness about the laws. If departmental wrongdoings such as extrajudicial killings amid interrogation or corrupted cases by the judges are discovered, a report will be submitted by the Political Department to ULA's headquarter for necessary actions, and these actions will be also shared with the respective public.

Additionally, the Political Department collaborates with the local administrators of the Administrative Department to inform the public if there are any natural disasters or health emergencies – recent examples include Cyclone Mocha, flooding, and responding to Covid-19. The announcements are made with various methods, including social media, distributing posters, calling with mobile phones, and by sounding the gongs (the traditional way of making announcements at village level). The department also arranges coordination meetings between the Tax Department and citizens such as traders and businesspersons.

4.3. Land Management Committee

The Land Management Committee plays a significant role in the governance in Arakan because for several decades there has been widespread land grabbing by corrupt elites affiliated with the Burmese military – a phenomenon observed across Burma. Resolving land disputes has often been challenging due to ineffective and corrupt land registration processes operated by the Burmese state during this period. The ULA's Land Management Committee was established in May 2022, following discussions and workshops involving ULA leaders, land management experts, regional military officers, Chiefs of the Political Department, and heads from the Department of Legal Affairs and the Judiciary Department. The Central Land Management Committee was formed within two months, followed by the establishment of regional, township, circle, and village-level Land Management Committees. The Central Committee is composed of 13 members, whereas the committees at other levels are composed of nine members each. In addition to these primary committee members, each committee office also has additional office staff, consisting of both civilians and military.

The central-level Land Management Committee is responsible for: i) overseeing and developing land management policies, procedures, and guidelines; and ii) ensuring effective management of the Land Management Committees at all levels. The Land Management Committees at all levels are responsible for: i) implementing land management policy, procedures, and guidelines; and ii) initiating conflict solution mechanisms within the land management sector.

Currently, the Land Management Committee utilizes 'Land Use Procedures' and 'Procedural Instructions' to address land conflicts submitted to the ULA. A particularly challenging issue faced by this committee is that most land owners hold documents issued by the previous military governments of Burma of the 1960s-2000s, or the quasi-civilian governments of Burma of 2011-20, but ULA cannot access the original administrative records that would help to verify these documents. The ULA has not yet been able to carry out its own land registration process due to insufficient human resources and technical capacity but plans to soon start this key aspect of land governance.

The interviewee described how, despite facing challenges, the Land Management Committee strives to address land conflicts from three perspectives: land law, traditional practices, and social justice. The

committee has the authority to decide on some land cases, and in other cases to pass them on to the ULA's courts. The role of the committee extends beyond resolving land conflicts. They also have the responsibility of explaining the decision to the clients, to build mutual trust between the clients and the committee. In essence, the land committee has a dual role: resolving land conflicts and building trust with the people. Additionally, the committee aims to raise public awareness about land management policies and procedures through media channels in the future. Currently, their priority is establishing the systematic operation of the committee before initiating this awareness campaign.

4.4. Humanitarian and Development Coordination Office (HDCO)

The HDCO was established in 2021, after finalizing its policies and responsibilities at the end of 2020 and recruiting sufficient human resources. HDCO's objective is to facilitate coordination with both international and national organizations implementing humanitarian and development projects in Arakan, with the aim of ensuring sustainability, localization, and the generation of community benefits. The Coordination Director of HDCO stated that the main responsibilities of HDCO involve initiating communication with external organizations such as United Nations (UN) agencies, international non-governmental organizations (INGOs), and non-governmental organizations (NGOs); understanding the projects planned and being implemented by these organizations in Arakan; facilitating and coordinating implementation efforts; and evaluating projects to ensure compliance with "do no harm" principles. He also said that HDCO plays a crucial role in enhancing the security of external organizations' staff by serving as a liaison between them, ULA's military offices, and administrative offices. Furthermore, HDCO has a role in internal coordination within ULA on humanitarian and development issues.

The Coordination Director of HDCO described how their office is committed to promoting humanitarian and development projects that really benefit the people in Arakan – unfortunately many of the development projects carried out in Arakan in recent decades have been of little or no benefit. He said that in doing so, HDCO adheres to a policy of non-discrimination by race or religion in project implementation and beneficiary selection. HDCO has learned valuable lessons from past projects by some UN agencies, INGOs, and NGOs that led to widespread perceptions among ethnic Rakhine people that these organizations were biased in their approach to project implementation in Arakan. HDCO advocates to these organizations to adopt a conflict-sensitive approach, emphasizing impartiality and neutrality – i.e. aid efforts and development projects intervening in Arakan should not favor any side or community in the conflict-affected communities; instead, the projects should be provided purely based on the needs of the community, without discrimination.

While HDCO does not have a specific policy prescribing the allocation of beneficiaries by ethnicity, they collaborate with organizations to ensure that 'minorities within minorities'^j ethnic groups residing in the

^j HDCO uses the term 'minorities within minorities,' also sometimes referred to as 'double minorities,' to denote ethnic groups in the Arakan region with smaller populations, identifying themselves distinctively based on ethnicity,

remote and mountainous areas of Northern Arakan are considered in the projects. HDCO also facilitates coordination between local community groups from minorities within minorities groups and organizations due to limited access, as many of these areas are restricted by the Burmese military.

HDCO has four regional offices across Arakan, each led by a regional director and supported by office staff. Staffing decisions prioritize loyalty and commitment to the ULA's revolution – this was described by interviewees as being assessed by the individual's commitment to the ULA's mission rather than being influenced in any way by the potential staff member's ethnicity. The decision-making process within HDCO was described by the interviewee from this office as highly independent, allowing the regional directors to make most decisions based on their own knowledge and assessment without the interference of any department.

HDCO is responsible for extensive coordination between the ULA's governance structure and external entities, including NGOs, INGOs, and UN agencies operating in Arakan, as well as representatives of foreign embassies. HDCO serves as the primary communication body for the Arakan People's Government for coordinating external relations between the ULA and foreign actors. HDCO also maintains regular engagement with a wide range of other external stakeholders, including IDP communities, various organizations representing certain ethnic and religious groups, and youth and women's organizations. Further, HDCO regularly engages internally with departments within the ULA structure such as: administration, military, police, judiciary, education, health, and agriculture, and the land management committee, depending on the specific project context.

HDCO conducts an annual review to assess coordination with external stakeholders, interdepartmental engagement, budget utilization, and staffing management. Following the 2022 year-end review, core HDCO members discussed whether any policy changes or adjustments to authorization guidelines are necessary. In the study, the coordination director of HDCO expressed that they have not seen much benefit for the people of Arakan, despite many development projects, spending large sums of money, for several decades. HDCO perceives that the conflicts in Arakan have resulted in long-term projects being turned into short-term ones, often hindering sustainable development in Arakan. Whereas, HDCO continues to advocate for longer-term investments in sectors that can promote sustainable long-run development, including livelihoods, agriculture, water management, disaster management, and environmental conservation projects. Relatedly, the interviewee described how HDCO believes that there should not be only 'emergency response in the conflict', but there should also be 'development in the conflict'. Since the interview was conducted, large-scale conflict has re-emerged in Arakan, which has meant that there has been increasing need for emergency humanitarian response, and the HDCO has proactively engaged with NGOs, INGOs, and foreign donors to try and ensure that this can be effectively implemented. Nevertheless, HDCO continues to seek opportunities to work with partners on implementing effective programs targeted at promoting longer-term development.

nationality, or religious beliefs. In this context, groups such as Mro, Khimi, Dinnet, Thet, Kaman, Maramargyi, Hindu, and Chin are included, whereas Rakhine and Rohingya are excluded due to their larger populations, despite these latter two groups being considered minority communities in the broader context of Burma.

5. Analysis on the ULA's Operational Challenges

The ULA, functioning as a resistance organization attempting to fulfill a government's role, faces several internal and external challenges to enlarging and developing their governance system. The interviews conducted for this study revealed some common challenges faced by all departments, including human resources, financial resources, public and administrative infrastructure, technical requirements, and security. Further, because of the ULA's constitution not yet having been finalized and certain other policies not yet being fully developed, there is sometimes a lack of clarity on how certain responsibilities are allocated between departments, which can lead to friction between them.

The primary challenge highlighted by interviewees regarding the ULA's attempts to enlarge and develop their governance system is the sometimes-limited quality of the human resources available to them. For example, the Chief Judge of the Supreme Court described how during the early days of his department he also had to take on the responsibilities of the Department of Legal Affairs, until someone suitable was found to replace him in this position and enable the desired separation of powers and responsibilities to be achieved. A current example was provided by the Chief of the Political Department, who also expressed concerns regarding the human resources available to him. He highlighted that one individual in the headquarters is responsible for managing multiple departments, leading to an overwhelming workload for the individual stationed there.^k The ULA spokesperson noted that some current administrators within the ULA's governance structure had previously served in the Naypyidaw government, and certain negative practices, such as corruption, may persist among them. As a result, the ULA is working diligently to train and guide them toward good governance and proper public administration practices.

For financial resources, the interviewees stated that the ULA largely relies on financial support from fundraisers, but they face challenges in fundraising due to the long-term negative impacts of Covid-19 and the political and economic crisis resulting from the instability following the 2021 military coup. The ULA's Taxation Department is currently developing its policies and practices and is expected to become fully operational soon – once this happens, regularized taxation is likely to take on a greater role in funding the ULA's operations. As and when the ULA expands its capacity for revenue collection, this can contribute to resolving the issues they currently face with inadequate administrative and public infrastructure.

Another significant challenge identified in this study is the need for more human resources with specific technical expertise relevant to the ULA's governance. The ability of each department to design and implement organizational development plans has been limited by the challenging circumstances they face as a resistance government, including the threat and incidence of armed conflict. Interviewees said that

^k N.b. the interviewee refrained from disclosing the name or specific position of the person affected at the headquarters.

they would welcome external support for bridging their current human resource gap, and over time to help to develop the ULA's internal capacity.

Another important challenge for the ULA in achieving their vision of an independent Arakan, where all communities can live freely, is building positive relationships with the diverse communities in Arakan as a crucial aspect of the nation-building process. The unsolved historical communal conflicts in Arakan continue to affect the establishment of mutual trust and relationships necessary for the inclusive participation of various ethnic groups in the ULA's governance system. According to the ULA's spokesperson, the ULA is actively promoting peaceful coexistence among diverse Arakan communities. They have appointed local administrators from Muslim communities and have established Communication Offices with the Muslim community for addressing complaints in case the action of any ULA official disrupts the ULA's efforts to promote peaceful coexistence. As mentioned in Section 1, recent research indicates the ULA's governance system now enjoys considerable acceptance from the Rohingya community – it was beyond the scope of this paper to investigate this issue any further, but this finding likely indicates that the ULA's efforts in this regard have had some success. Further such efforts will be required to continue improving intercommunal relations.

6. Conclusion and Recommendations

The ULA has the opportunity to enhance its governance and administration by further facilitating a positive political transition, implementing democratic practices, and fostering self-determined, localized efforts for good governance. It is also crucial for other actors that want to contribute to the political and economic development of Arakan to comprehend the current strengths and challenges of the ULA and engage with them to help the ULA develop its governance capacity.

This study makes the following recommendations to the ULA, international organizations, national organizations, and foreign governments:

1. The ULA has a very important role to play in establishing the right political foundations in Arakan, and therefore should continue to prioritize strengthening political representation, nurturing inclusive decision-making, and building its popular support.
2. ULA departments should persist in their efforts to develop policies for priority sectors that currently lack clear directives by conducting internal assessments within their system.
3. The ULA should establish dedicated policy support and research units within each department of their governance system to address operational and technical needs more effectively.
4. International organizations supporting good governance efforts should collaborate with specific ULA departments to help strengthen their policies and practices.
5. Foreign governments should readily engage with the ULA's governance structure, which is open to collaborative efforts for inclusive development and sustainable peace of Arakan.

6. International and national organizations with expertise and resources in governance strengthening activities should establish continuous engagement with the ULA to identify specific areas where they can provide support based on their expertise.
7. Foreign governments interested in addressing the Rohingya refugee crisis should engage with the ULA – this reflects the ULA’s capacity to build positive relationships with the Rohingya community and their political legitimacy among the people of Arakan.

Appendix: Latest Developments Following the Resumption of the Armed Clashes in Arakan

A.1 Summary of the Military and Humanitarian Situation

On 13th November 2023 the AA resumed attacks against the Burmese junta's military forces in Arakan, ending a ceasefire brokered one year ago for humanitarian purposes, and resulting in a return to widespread intense conflict in Arakan for the first time since 2020. The resumption of large-scale conflict in Arakan has coincided with the AA's engagement in "Operation 1027" since 27th October 2023 in Northern Shan State, alongside its fellow Three Brotherhood Alliance members (MNDAA and TNLA). The AA's attacks on the Burmese military in Arakan began with targeting border guard police outposts and military council convoys across Rathedaung, Minbya, and Maungdaw Townships in northern Arakan, as well as Paletwa Township in Chin State – a crucial region connecting Arakan and Chin State, and which borders India. Further, unlike in 2018-20, intense conflict has not remained restricted to northern Arakan, and by December had reached to southern Arakan townships such as Taunggoke, Ann, Rambre, and Kyaukphyu.

In response, the SAC enforced restrictions on key transportation routes and waterways within multiple townships in Arakan, including those that connect Arakan with Yangon (Burma's commercial capital). These restrictions have significantly limited civilian movement, caused rapid increases in the prices of many daily necessities, resulted in gasoline shortages, and hindered the delivery of humanitarian assistance.

According to the UN Office for the Coordination of Humanitarian Affairs, approximately 26,175 individuals from 4,765 households were displaced in the northern part of Arakan within the first week of renewed clashes. These newly displaced persons join the 63,884 IDPs who were already impacted by previous conflicts between the AA and Burmese military forces.¹⁸ According to reports from local media and civil society organizations (CSOs), by mid-December the Burmese military junta had detained over 170 civilians.¹⁹ Further, as of 23rd December, there had been 28 civilian fatalities and 128 civilian reported as a result of attacks by the Burmese military.²⁰ All of these numbers are expected to rapidly increase as armed conflict spreads further across Arakan.

As of 8th February 2024, the AA had gained control over the downtown areas of several strategically significant towns, such as Paletwa, Pauktaw, Minbya, and Mrauk U – this assertion of control in these areas is a significant milestone in their military operations. Further, the Arakan Army has intensified operations in Kyauktaw seizing control of all but one Burmese Military bases in that township. And, the AA has strengthened their operations in Maungdaw, a border town close to Bangladesh, where they have successfully forced Burmese Military soldiers into Bangladesh and seized control of the areas. The AA currently has considerable momentum, and it seems likely that they will gain more territory – including major urban areas – in the coming months.

A.2 The Recent Expansion of ULA-Controlled Territories

On 15th December 2023 the ULA officially disclosed – via their ‘AA Info Desk’ Telegram channel – the specific number and location of the sites they have newly seized control of since the resumption of conflict one month earlier. 142 new sites were included in the list, encompassing SAC police outposts and stations and Burmese army outposts and bases. These include one in Sittwe Township, seven in Kyaukphyu Township; four each in Rambre and Myaebon Townships; two in Taunggoke Township; three in Thandwe Township; and three in Ann Township, all situated in the southern part of Arakan. Additional areas seized in the northern region of Arakan include: six from Pauktaw Township, 62 from Maungdaw township, six from Buthidaung Township, four from Rathaedaung Township, three from Ponnagyun Township, seven from Kyauktaw Township, three from Mrauk-U Township, five from Minbya Township, and 17 from Paletwa Township. As indicated above, the AA has also taken control of many more sites since then.

As their control over more areas expands, the administrative workload of the ULA has significantly increased, particularly in response to the growing humanitarian needs of newly displaced persons. The ULA has been actively engaging in negotiations with CSOs, NGOs, and INGOs to facilitate the effective delivery of humanitarian aid within their capacities, despite encountering challenges due to blockades imposed by the Burmese military council. The people of Arakan will observe the ULA’s capacity to manage administration and governance during these challenging times, representing a significant test for their legitimacy and the endurance of people’s support in pursuing their path towards self-autonomy. At the same time, it appears unlikely that the Burmese military will be able to significantly reverse the recent territorial gains made by ULA any time soon, if ever, making it even more important that domestic and foreign actors that want to help the people of Arakan seriously engage with the ULA.

Endnotes

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