



Human Rights Now

7F Creative One Akihabara Bldg. 5-3-4 Ueno

Taito-ku, Tokyo, JAPAN 110-0005

<http://hrn.or.jp/eng/>

Phone: +81-3-3835-2110 Fax: +81-3-3834-1025

Email info@hrn.or.jp

Myanmar Update Report

JUNE 2012 REPORT

This report seeks to provide an overview of the developments in July 2012 that relate to the status of human rights in Myanmar. It also reviews the response of the international community to the Myanmar's current situation, in particular status of sanctions regime.

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I. International Community and Sanctions

Extraordinary democratic reforms have swept across Myanmar since President Thein Sein came to power in March 2011. In response to Myanmar's reform efforts, a wave of nations have eliminated or relaxed sanctions against the impoverished Southeast Asian nation, providing Myanmar an opportunity for greater diplomatic and economic engagement. While the Myanmar government has taken promising steps towards democracy, including the initiation of ceasefire talks with ethnic rebels, the release of hundreds of jailed political prisoners, and dialogue with the National League for Democracy (NLD), recent events demonstrate the fragility of Myanmar's reform process.¹ Intense ethnic fighting, an outbreak of sectarian violence, and widespread protests have tested Myanmar's new civilian government. Consequently, in June, "the feel-good narrative in Myanmar...has grown more complicated."²

A. Targeted Easing by the U.S.

On June 12, Senators Mitch McConnell and Diana Feinstein introduced a resolution to renew the Burmese Freedom and Democracy Act (BFDA) for one year.³ The BFDA expires in July, and renewal would maintain the import ban on Southeast Asia's fourth largest economy.⁴ Renewal would not impact the administration's ability to waive or terminate sanctions, and would ensure that the U.S. continues to exert leverage on the reforming nation.⁵ McConnell emphasized that Myanmar's reform efforts were "not irreversible" and that the "government still has not met all the necessary conditions to justify a complete repeal."⁶ In particular, he expressed concern over ethnic violence in Kachin State, the continued imprisonment of political prisoners, Myanmar's relationship with North Korea, and its "undemocratic" constitution.⁷ Feinstein characterized the renewal as "an incentive to the government of [Myanmar] to continue on the path it has undertaken and take additional actions."⁸ Representatives Joseph Crowley and Peter King introduced a similar resolution in the House of Representatives.⁹

Also this month, Senator McCain, a powerful voice on the issue of sanctions, heeded Aung San Suu Kyi's warning about the Myanmar Oil and Gas Enterprise (MOGE) and "urge[d] the Administration to refrain from issuing waivers...for new US investment in [Myanmar's] oil and gas industry."¹⁰ He noted the industry's lack of transparency, military control, and the reality that "large amounts of foreign investment flowing into MOGE are not yet sufficiently accountable to the Burmese parliament and people."¹¹ While expressing support for the U.S. administration's recent suspension of sanctions, he acknowledged that "where conditions in Myanmar risk turning well-meaning foreign investment into an instrument for corrupt special interests to entrench and enrich themselves...we must prioritize our democratic principles and the democratic aspirations of the Burmese people."¹²

On the other hand, Senator Jim Webb called for both implementation of the previously announced sanctions suspension and the elimination of the import ban so that the U.S. does not "lose a critical window of opportunity to influence development of financial governance inside [Myanmar]."¹³ Webb also commented on Suu Kyi's trepidation regarding MOGE, asking whether "an official from any foreign government should be telling us what sectors that we should invest in and not invest in."¹⁴ Senator Jim Inhofe similarly voiced support for investment by the U.S. petroleum industry, noting that the State Department had itself declared on April 26 that "U.S. companies, including the oil and gas companies, can play a positive role in the effort

by demonstrating high standards of responsible business conduct and transparency, including respect for human rights” in Myanmar.¹⁵

On June 26, U.S. State Department spokesperson, Victoria Nuland, said that the administration is “working now on being able to license our companies for investment, for trade, et cetera.”¹⁶ She emphasized that easing sanctions was a “step-by-step process” and that “continued progress is contingent on [Myanmar’s] own continued progress in terms of democratic reform, economic opening, peace and security, national reconciliation, and good human rights standards throughout the country.”¹⁷

Also this month, the U.S. Senate confirmed the appointment of Derek Mitchell as U.S. Ambassador to Myanmar.¹⁸ At his confirmation hearings, Mitchell commented on the uncertainty that surrounds reforms, noting that the U.S. “remain[s] deeply concerned about the continued detention of hundreds of political prisoners and the conditions placed on those previously released, lack of the rule of law, and the constitutional role of the military in the nation’s affairs.”¹⁹ Moreover, “[h]uman-rights abuses, including military impunity, continue, particularly in ethnic minority areas.”²⁰

B. Developments in the Broader Sanctions Community

In early June, Australian Foreign Minister Bob Carr visited Myanmar for the first time, where he met with President Thein Sein and Aung San Suu Kyi.²¹ Following his visit, Carr announced that Australia would lift all travel and financial sanctions, leaving only an arms embargo in force.²² Carr noted that while “there is more to be done...lifting sanctions is the best way to promote further progress.”²³ Suu Kyi expressed support for Australia’s decision.²⁴

Also this month, Australia pledged to double its aid to Myanmar by 2015.²⁵ Australia will donate 80 million U.S. dollars to education over the next four years.²⁶ In a highly symbolic gesture, the Australian government has begun to call the country Myanmar instead of Burma.²⁷

The United Kingdom, similar to the U.S., has not abandoned its resolve to exert pressure on Myanmar despite suspending sanctions.²⁸ At a press conference with Suu Kyi this month, Prime Minister David Cameron asserted that the UK will “remain vigorous in [its] questioning until [reforms] have been made irreversible.”²⁹ Foreign Minister William Hague echoed these sentiments, cautioning that Myanmar “still [had] a long way to go” before achieving democracy and ethnic peace.³⁰ In July, British lawmakers will visit Myanmar “to scrutinize its progress toward full democracy.”³¹

In a sign of improving diplomatic relations, Prime Minister Cameron invited Thein Sein to London, “signal[ing] the United Kingdom’s willingness to engage so long as the president remains committed to reform.”³² Suu Kyi demonstrated support for Thein Sein’s upcoming visit, noting “we don’t want to be shackled by the past.”³³

On June 1, Canadian parliamentarians voiced concern about the Myanmar government’s involvement in human rights violations against ethnic and religious minorities, including rape, torture, and forced labor.³⁴ The parliamentarians called for independent investigations into ongoing conflicts and the elimination of military impunity.³⁵

As we previously reported, many nations, including the U.S. and Japan, have expressed concern about Myanmar's traditional ties with North Korea and its potential nuclear program.³⁶ On June 2, at a defense conference in Singapore, Myanmar's Defense Minister, Lieutenant General Hla Min, announced that "because of [Myanmar's] opening and [its] new efforts, we have stopped [political and military] relationships with North Korea."³⁷ Moreover, Min announced that Myanmar's nuclear program, purportedly conducted solely for research and in its infancy, has been abandoned.³⁸

Min also announced that the army is "100-percent" supportive of Myanmar's reform agenda.³⁹ Moreover, he said that the constitutional provision reserving twenty-five percent of parliamentary seats for military officials "could be reduced in the future if and when it is appropriate."⁴⁰ Min's statements are contrary to a June Human Rights Watch report, which characterizes Myanmar's military as "the crucial absent variable in the reform process."⁴¹

On June 2, at the Singapore defense conference, U.S. Defense Secretary Leon Panetta discussed forging a military relationship with Myanmar, "assuming that [the government is] able to implement reforms and to continue the kind of political efforts at opening up their system."⁴²

On June 8, President Thein Sein's economic advisor called for the elimination of all remaining sanctions in support of responsible, long-term investing.⁴³

On June 11, Thai Foreign Minister, Surapong Tovichakchaikul, arrived in the United States, where he asked the United States to lift all sanctions against Myanmar and continue supporting Myanmar refugees in Thailand.⁴⁴

On June 12, the Peace Donor Support Group (PDSG), which represents Norway, the UK, and Australia, as well as the European Union, United Nations and World Bank, offered Myanmar 500 million U.S. dollars for peacemaking and other initiatives.⁴⁵ The UK pledged 300 million U.S. dollars, with 5 million U.S. dollars earmarked to "support current ongoing democratic reforms"; the EU will give 187 million U.S. dollars, with 3.75 to 5 million U.S. dollars pledged to landmine education programs; and the UN will donate 5 million U.S. dollars for peacemaking initiatives.⁴⁶ Additionally, Myanmar has become eligible for up to 300 million U.S. dollars of low-interest loans from the World Bank annually.⁴⁷ The PDSG will also help foster Myanmar's ability to "systematically manage all international donations."⁴⁸

On June 14, Myanmar's Foreign Minister, Wunna Maung Lwin, and Philippines President Benigno Aquino III discussed the Philippines own democratic transition.⁴⁹ Aquino acknowledged that his country was "ready to share [its] experience with Myanmar if it will help them in their own transition."⁵⁰

On June 15, the European Union announced that it was considering giving Myanmar exports preferential access to EU markets because of the ILO's "recognition of progress on labour reforms in the country."⁵¹

On June 18, an Irish member of the European Parliament (MEP), Emer Costello, issued a statement that expressed caution about the EU's decision to potentially reinstate preferential access for Myanmar exports, noting the continued imprisonment of political prisoners, restrictions on former political prisoners, and Myanmar's other human rights shortcomings.⁵²

In late May, Amnesty International completed a two-week mission to Yangon and Naypyitaw, its first official visit to Myanmar since 2003.⁵³ Amnesty International's findings have been incorporated into this report.

Japan, trying to seek a competitive edge as other nations lift economic sanctions, has appealed to the United Nations Development Program (UNDP) to remove aid restrictions against Myanmar.⁵⁴ Japan and Indonesia plan to submit a joint proposal at the UNDP's annual session in Geneva, beginning June 25.⁵⁵

The Asian Development Bank (ADB), which has not operated in Myanmar since 1988, began a process of re-engaging with the government.⁵⁶ ADB lending is "dependent on approval by ADB member nations, as well as the country's continued reform process and engagement with the international community."⁵⁷

C. "Business before Rights"?

In the aftermath of suspending sanctions last month, the United States and European Union have been criticized for their "willing[ness] to subjugate rights and democracy concerns in pursuit of commercial and geostrategic interests."⁵⁸ In particular, the easing of sanctions has been seen by some as a strategic move "to catch up with Asian countries, including China" that never severed economic relations through sanctions.⁵⁹ This "investment race," coupled with the leverage lost by easing sanctions, has some asking whether the international community has put "business before rights."⁶⁰ This month, Aung San Suu Kyi admitted that she is "always very concerned when [Myanmar] is seen as a battling ground for [China and the U.S.]."⁶¹

The impact of foreign direct investment and other economic developments in a country lacking infrastructure, transparency and the rule of law is also disconcerting. Because military and government officials have de facto control of large sectors of Myanmar's economy, some worry that military and government officials will be disproportionately benefited.⁶²

The sustainability of Myanmar's reform efforts in lieu of the expected influx of foreign direct investment (FDI) is also problematic. There are fears that the Myanmar government will use the influx of interest and investment to "play [competing donors and investors] off of each other to consolidate a new type of authoritarian rule."⁶³ Alternatively, donors and investors may gain control of the economy with far-reaching consequences.⁶⁴

II. Personality Politics, Foreign Diplomacy and Questions of Succession

A. Personality Politics

Myanmar is still noticeably dominated by personality politics, led by President Thein Sein and opposition leader Aung San Suu Kyi. This precarious power balance is made even more uncertain by the lack of strong institutions.⁶⁵ While the relationship between Suu Kyi and Thein Sein remains crucial for change, "Myanmar needs institutions...so that reform is not totally dependent on the relationship between two people."⁶⁶ Suu Kyi recently emphasized that democratization depends upon Myanmar's "own resources to bring about change."⁶⁷

Suu Kyi's trip abroad has unveiled fissures between her and President Thein Sein.⁶⁸ Thein Sein, who also planned to attend the World Economic Forum in Bangkok, Thailand, cancelled his trip with little notice.⁶⁹ Rumors spread that Thein Sein's decision to postpone and then cancel his trip was the result of Suu Kyi overshadowing him abroad, "spurring worries that the détente between these two political titans could falter and set back [Myanmar's] reform movement."⁷⁰

On June 4, Myanmar's state newspaper, *New Light of Myanmar*, printed an article lauding both Thein Sein and Suu Kyi as "visionary" but "urg[ing] them not to jeopardise a potential economic boom...and to set aside 'egoism and selfishness.'"⁷¹ This publication was likely a response to Suu Kyi's declarations in Thailand that Myanmar was not a "genuinely democratic society" and investors should not become "over-optimistic," among others.⁷²

Although Suu Kyi acknowledged that "some were unhappy" about her honesty, she noted that she "gave [her] frank opinion so that people can make a correct assessment of the country."⁷³ In an interview with the BBC, Suu Kyi said that President Thein Sein should not be threatened by her warm welcome abroad.⁷⁴ Instead, international support is a signal of "how much the world wants [Myanmar] to change in the right direction."⁷⁵ There are indications that Thein Sein tried to positively capitalize on Suu Kyi's trip, particularly by announcing his "second wave of reforms" while she was in Europe.⁷⁶ Nevertheless, as she finished her European tour, Suu Kyi was told to stop referring to her country as Burma.⁷⁷ These recent events illustrate highlight that a "friction is developing between the two paramount [Myanmar] leaders."⁷⁸

B. Diplomacy Abroad

Aung San Suu Kyi, who recently underwent a "transformation from prisoner to global politician," continued to express cautious optimism about Myanmar's nascent reform efforts as she traveled abroad for the first time in twenty-four years.⁷⁹

1. *Bangkok, Thailand*

In her appearance at the World Economic Forum in Bangkok, Thailand, Suu Kyi cautioned investors about Myanmar's weak and corrupt judiciary, rampant youth unemployment and poor education system.⁸⁰ Suu Kyi also criticized Myanmar's lack of economic transparency.⁸¹ In particular, she highlighted the opacity of state-created special economic zones and the secrecy surrounding Myanmar's economic contracts.⁸² She stressed that this lack of transparency "endangers national reconciliation" and "engenders more and more suspicion and mistrust."⁸³ Additionally, Suu Kyi characterized youth unemployment as a "time bomb," emphasizing that "[i]t's not so much joblessness as hopelessness that threatens our future."⁸⁴ While Suu Kyi emphasized the "sincerity" of President Thein Sein's reform efforts, she noted that "there is the military to be reckoned with."⁸⁵

2. *Geneva, Switzerland*

In her June 14 address at the International Labor Organization Conference in Geneva, Suu Kyi criticized Myanmar's state-run oil and gas company for its lack of accountability and

transparency.⁸⁶ She also called for “continued caution and vigilance” as Myanmar continues to reform and reconnects with the international economic community.⁸⁷ Specifically, Suu Kyi called on the Myanmar government to apply international standards and principles, such as the International Monetary Fund’s Code of Good Practices on Transparency in Monetary and Financial Policies, to increase economic transparency.⁸⁸ Suu Kyi advised investors to abide by recognized best practices, including international labor standards.⁸⁹

3. *Oslo, Norway*

On June 16, Suu Kyi received the Noble Prize awarded to her in 1991. In her acceptance speech, Suu Kyi explained: “[i]f I advocate cautious optimism it is not because I do not have faith in the future but because I do not want to encourage blind faith.”⁹⁰ She reminded her audience that, although she was free, many in Myanmar were still imprisoned or enduring injustice.⁹¹

4. *Dublin, Ireland*

Suu Kyi also spent time in Dublin, where President Michael Higgins expressed Ireland’s support for her “ongoing important work on behalf of the Burmese people.”⁹²

5. *London & Oxford, England*

In her address at Oxford University on June 20, Suu Kyi cautioned that “too many people are expecting too much” from Myanmar.⁹³ She appealed for help from the international community generally, and from Oxford in particular to “help restore campus life” in Myanmar.⁹⁴ She emphasized that foreign investment in Myanmar must be “democracy-friendly and human rights-friendly.”⁹⁵

In an interview with the BBC, Suu Kyi vowed that foreign companies investing in Myanmar would be “closely watched” and “exposed if they [do] not behave in a ‘democracy-friendly, human rights-friendly’ way.”⁹⁶ Suu Kyi dispelled the suggestion that her release from house arrest was a “confidence trick” to encourage the suspension or elimination of sanctions.⁹⁷

On June 21, Suu Kyi was the “first figure who is not a head of state, the first woman from abroad and the first person from an Asian nation to address both houses of [the British] Parliament.”⁹⁸ In her address, Suu Kyi appealed for “practical help,” emphasizing the importance of international aid in support of education, training, civil reform and economic progress.⁹⁹ She applauded President Thein Sein’s reform efforts.¹⁰⁰ Nevertheless, she urged continued support from the international community “to ensure [Myanmar] does not waver as it follows the path to a full, free and open democracy.”¹⁰¹ She emphasized that Myanmar urgently needed to establish a “clean, efficient civil service” and foster a permanent political resolution to ethnic conflicts.¹⁰²

6. *Paris, France*

On June 26, French President Francois Hollande expressed support for Aung San Suu Kyi’s continued reform efforts.¹⁰³ He also demonstrated a willingness to work through EU

channels to ensure successful reform.¹⁰⁴ Suu Kyi stressed that “[d]evelopment cannot be a substitute for democracy” and stated: “I don’t think we can say [reform] is irreversible until such time as the army is committed to [reform].”¹⁰⁵

C. Succession

Last month, we reported concern surrounding Suu Kyi’s health and the impact of her “vast clout” on the NLD.¹⁰⁶ Suu Kyi, who recently turned 67, looked exhausted during her whirlwind tour across Europe.¹⁰⁷ At the Swiss Parliament, she cut a press conference short and cancelled dinner with the Swiss President after abruptly vomiting on stage.¹⁰⁸ Suu Kyi told reporters she was “totally exhausted” and jetlagged from her journey.¹⁰⁹

When asked whether she would follow in her father’s footsteps, she replied: “It’s not for me to say whether or not I am going to be the leader of my country. It is for my people to decide.”¹¹⁰

III. Ethnic Violence

The most difficult challenge for the government remains overcoming Myanmar’s longstanding ethnic divides. While abroad, Aung San Suu Kyi emphasized that “the only way for [Myanmar] to achieve a ‘true union’ would be to try to fulfill the aspirations for autonomy of its ethnic nationalities.”¹¹¹

A. Rakhine State

On May 28, Thidar Htwe, a 26-year-old Buddhist living in Rakhine, was raped and murdered.¹¹² Following the crime, three Muslim Rohingya men were accused and detained.¹¹³ In the crime’s aftermath, leaflets blaming the Rohingya for the attack were passed around Sittwe, the capital of Rakhine State.¹¹⁴

On June 3, a mob of ethnic Rakhine attacked a bus of Muslims with the mistaken belief that Htwe’s perpetrators were on board.¹¹⁵ Ten Muslims were slain in the attack.¹¹⁶ On June 18, two men received death sentences, with the right to appeal, for the rape, murder and robbery of Htwe.¹¹⁷ The third accused party hung himself while in detention.¹¹⁸ On July 2, Myanmar’s state-run newspaper announced that thirty people were detained and “action [was] being taken against them according to the laws” for the mob attack on June 3.¹¹⁹

On June 5, Muslims and Buddhists began small protests in Yangon.¹²⁰ On June 9, violence erupted in Maungdaw, a Rohingya-majority area close to Bangladesh, and then spread to Sittwe.¹²¹ While the most intense fighting has been in Maungdaw and Sittwe, fighting has also occurred in Buthidaung, Rambree Island, Mrauk Oo, Ponna Kyun, Pauk Taw and Kyauktaw.¹²² Various forms of violence, such as looting, arson, machete attacks, and rock-hurling, have been reported.¹²³ On June 11, the United Nations began temporarily relocating relief workers.¹²⁴ Many schools, shops, banks, markets, and roads were closed, creating significant food shortages.¹²⁵

On June 14, local authorities held a media briefing, led by Arakan State Minister for Border Affairs Col Htein Lin, in Sittwe.¹²⁶ Authorities revealed that from June 9: 13 Rakhine and 16 Rohingya were killed, 16 Rakhine and 22 Rohingya were injured, 31,884 individuals were displaced, 1,192 houses belonging to Rakhine and 1,336 houses belonging to Rohingyas were burned down, and nine Buddhist monasteries and seven mosques were burned.¹²⁷ The official death toll reached 62 as of June 20.¹²⁸ Human rights organizations and other local sources believe these figures are too low.¹²⁹

The United Nations' World Food Program (WFP) announced on June 19 that it provided emergency food to over 66,000 displaced people in Rakhine during the past week.¹³⁰ As of June 14, Myanmar officials had acknowledged that more than 30,000 individuals had been displaced.¹³¹ Unofficial numbers, including estimates by the WFP, estimate that more than 90,000 individuals have been displaced by the recent violence.¹³² Displaced residents are now at more than seventy sites, including camps and monasteries.¹³³ Because of these sites' poor conditions, the threat of disease is very real.¹³⁴

On June 15, Reuters reported that three UN staff members, all Myanmar nationals, were detained for "unknown reasons."¹³⁵ On June 21, 60 Muslims suspected of murdering ten ethnic Rakhine were arrested.¹³⁶

The situation in Rakhine was still "tense and fragile" during the weekend of June 24, according to the United Nations High Commissioner for Refugees (UNHCR).¹³⁷ The UN recently re-deployed relief workers to Sittwe.¹³⁸

On June 29, Myanmar's Immigration and Population Minister, Khin Yi, reported that the government created a repatriation policy for Rohingyas who left the country to escape sectarian violence.¹³⁹

1. *Domestic Response*

Following the initial violence, Myanmar officials imposed curfews in the four "most affected" Rakhine towns and banned public gatherings with more than five people.¹⁴⁰ Despite these measures, violence continued. Consequently, on June 10, Myanmar declared a state of emergency.¹⁴¹ This declaration, the first of Myanmar's civilian government, "gives the military full authority over administrative and security functions in Rakhine."¹⁴²

Amidst the ongoing sectarian violence that threatens to unravel his reformist vision, President Thein Sein has warned: "If we put racial and religious issues at the forefront, if we put the never ending hatred, desire for revenge and anarchic actions at the forefront, and if we continue to retaliate and terrorise and kill each other, there's a danger that...the country's stability and peace, democratization process and development, which are only in transition right now, could be severely affected and much would be lost."¹⁴³

On June 13, Rohingya refugees in Bangladesh appealed to Suu Kyi for support.¹⁴⁴ Although opposition lawmakers are likely the Rohingyas' "best hope," Suu Kyi has not taken a firm stance on this "politically risky" issue.¹⁴⁵ Instead, she has been "oblique and evasive,"

emphasizing that “we have to be very clear about what the laws of citizenship are and who are entitled to them.”¹⁴⁶ In Oslo, when a reporter asked whether she thought ethnic Rohingyas should be seen as a Myanmar ethnic group, she replied “I do not know,” citing the ambiguity of Myanmar’s citizenship laws.¹⁴⁷ According to Michael Montesano, a visiting fellow at the Institute of Southeast Asian Studies, Suu Kyi is “heed[ing] very ugly political realities in Myanmar by being so cautious.”¹⁴⁸ On the other hand, emphasizing the rule of law may be “the best way,” given the widespread anti-Rohingya sentiments of Suu Kyi’s supporters.¹⁴⁹

Nyan Win, spokesman for the National League for Democracy (NLD), recently declared that “[t]he Rohingyas are not our citizens.”¹⁵⁰ On June 27, the National Democratic Front (NDF) stated that “‘Rohingya’ is not to be recognized as a nationality.”¹⁵¹ Ko Ko Gyi, a leader of the 1988 student protests, called the Rohingyas “illegal immigrants” that Myanmar accepted “based on sympathy.”¹⁵² He also blamed them for the recent violence.¹⁵³ Amnesty International criticized the former political prisoner for “further contribut[ing] to prejudice against the Rohingya.”¹⁵⁴ Nevertheless, Ko Ko Gyi’s sentiments align with the majority of Myanmar.

2. *International Response*

The U.S. State Department has expressed deep concern about the violence in Rakhine State, “call[ing] on authorities to work with local leaders...to halt the on-going violence, begin a dialogue toward a peaceful resolution, and ensure an expeditious and transparent investigation into these incidents that respects due process and the rule of law.”¹⁵⁵

British Foreign Office Minister Jeremy Browne “call[ed] on all parties to act with restraint and urge the authorities and community leaders to open discussions to end the violence and to protect all members of the local population.”¹⁵⁶

On June 12, Vijay Nambiar, the UN Special Advisor on Myanmar, met with President Thein Sein and expressed the need for the government “to continue to handle the situation transparently and with respect for human rights and the rule of law.”¹⁵⁷ He praised the government for its “prompt, firm and sensitive response” and encouraged a “full, impartial and credible investigation” into the conflict.¹⁵⁸ The European Union also lauded Thein Sein’s “measured” response.¹⁵⁹

The United Nations Special Rapporteur on Human Rights in Myanmar, Tomas Oiea Quintana, cautioned that “[t]he underlying tensions that stem from discrimination against ethnic and religious minorities pose a threat to Myanmar’s democratic transition and stability.”¹⁶⁰ Quintana also expressed concern after receiving reports that police were choosing sides and cited his fear that the state of emergency would become permanent.¹⁶¹

Following the outbreak of violence, Amnesty International (AI) issued a statement accusing the Myanmar security forces of participating in the sectarian conflict and committing various human rights offenses.¹⁶² AI called for the government to “ensure full and unfettered humanitarian access to displaced people, and conduct an independent and impartial investigation into recent communal violence.”¹⁶³ Emphasizing that the “pre-violence status quo is not sufficient,” AI called on Myanmar to address “decades of systematic discrimination” against

Rohingyas and to grant them citizenship.¹⁶⁴ Human Rights Watch has similarly accused the government security forces of shooting “an unknown number of Rohingya.”¹⁶⁵

Many Rohingyas attempted to flee to Bangladesh. Since violence erupted, Bangladeshi coast guard, border guard and police officers have pushed back many boats, as well as arrested and deported Rohingya who recently arrived.¹⁶⁶ As of June 12, an estimated 1,500 individuals fleeing Myanmar were blocked from entering Bangladesh.¹⁶⁷ In mid-June, Bangladesh closed its border to all Myanmar refugees in “the greater interest of the country.”¹⁶⁸ Foreign Minister Dipu Moni announced that Bangladesh does not need to provide the Rohingyas shelter because “Bangladesh never signed any kind of international act, convention or law for allowing and giving shelter to refugees.”¹⁶⁹

Human Rights Watch (HRW) has criticized Bangladesh’s resistance to Rohingya refugees amid a humanitarian crisis.¹⁷⁰ HRW has emphasized that Bangladesh, which is not party to the 1951 Refugee Convention, has an international obligation to not forcibly return refugees “where their lives or freedom would be threatened” pursuant to various international covenants and customary international law.¹⁷¹ Bill Frelick, who directs HRW’s Refugees Program, said that “Bangladesh is putting the lives of those fleeing violence—including young children—at risk by sending them back to [Myanmar].”¹⁷²

The United Nations High Commissioner for Refugees (UNHCR) urged Bangladesh to provide “access to a safe haven and shelter” to those fleeing Myanmar.¹⁷³ Both UNHCR and Doctors Without Borders have expressed concern that people are not receiving medical care.¹⁷⁴

On June 26, the U.S. State Department spokesperson acknowledged that the administration had “been urging Bangladesh to open its border to treat refugees properly.”¹⁷⁵ The Asian Human Rights Commission has also urged Bangladesh “to open the border immediately to allow for the movement of people seeking shelter from the violence.”¹⁷⁶

The Consultant HIS Global Insight has cautioned that “[t]he outbreak of communal tensions is an unwelcome byproduct of the government’s political reform drive, and if not tackled carefully, could derail much of the progress made over the past year.”¹⁷⁷ Others express concern about the impact of conflict on infrastructure development.¹⁷⁸

Additionally, conflict has not been isolated to Myanmar. On June 15, Rohingyas protested in Kuala Lumpur, Malaysia, “illustrat[ing] how the stateless ethnic group’s plight has become a regional problem rather than just a bilateral issue between Myanmar and Bangladesh.”¹⁷⁹ Anti-Rohingya prejudice and discrimination is also not confined to Southeast Asia. A Rohingya refugee living in England told *The Independent* that “[t]here have been protests in front of Downing Street against the Rohingya by Burmese groups saying we’re not citizens.”¹⁸⁰

3. *The Plight of the Rohingyas*

The sectarian violence in Rhakine State has illuminated the general plight of the “stateless” Rohingyas, which the United Nations has called the “most persecuted minority” in

Asia.¹⁸¹ Many are “sequestered in crowded camps,” and thousands of Rohingyas, who are viewed at “best as unwanted immigrants from Bangladesh and at worst ‘invaders,’” attempt to “flee” each year.¹⁸²

Ethnic Rohingyas have been likened to the Roma in Europe.¹⁸³ Characterized as “illegal immigrants” from Bangladesh, the Rohingyas are “virtually friendless” in Myanmar, although they have lived there for centuries.¹⁸⁴ The Rohingyas are not one of Myanmar’s 135 officially recognized ethnic groups, and were excluded from recognition under the 1982 Citizenship Act.¹⁸⁵ In 2009, Ye Myint Aung, then consul general in Hong Kong, said the Rohingyas were as “ugly as ogres.”¹⁸⁶ In May, Myanmar’s Immigration Minister, Khin Yi, declared that “[t]here is no ethnic group named Rohingya in our country.”¹⁸⁷ During the recent violence, Rohingyas have been described as “dogs, thieves, terrorists and various expletives.”¹⁸⁸

Human Rights Watch and other human rights organizations have expressed worry at the plight of this vulnerable population. According to the United Nations, the Rohingyas commonly endure “extrajudicial killings, forced labor, land confiscation, and restricted freedom of movement,” as well as harsh restrictions on marriage, travel, work and worship.¹⁸⁹ A Rohingya living in a refugee camp in Bangladesh said this month that “[he] heard the relations between the government and Suu Kyi have mended and there are now reforms sweeping the country. But for Rohingya, these changes mean nothing.”¹⁹⁰

B. Kachin Independence Organization

Despite multiple rounds of talks between the Kachin Independence Organization (KIO) and Myanmar government in recent months, no resolution has been reached. On June 20, an official government delegation led by Aung Min met with Kachin Independence Army (KIA) Vice Chief of Staff Sumlut Gun Maw. One of the topics discussed was KIO’s inclusion on a list of unlawful associations pursuant to section 17(1) of the Unlawful Association Act.¹⁹¹ Following the meeting, Kachin State’s Chief Minister, La John Ngan Hsai, declared that “Naypyidaw had told him to instruct the various departments within his regional assembly in Myitkyina to dismiss or ignore the constitutional act that outlaws the Kachin Independence Organization.”¹⁹² Although unofficial, this new arrangement is seen as a “very positive development” regarding one of the outstanding issues between the KIO and Myanmar government.¹⁹³

Additionally, Kachin’s mediator, Hseng Aung, reported that the KIO “had been asked to submit a list of political prisoners they expected to be released as a result of [this arrangement].”¹⁹⁴ There are currently 49 Kachins detained under section 17(1) the Unlawful Association Act.¹⁹⁵ Twenty of those detained were arrested in a displacement camp earlier this month for supporting the KIO.¹⁹⁶ One of the less obvious benefits is that “[refugees] will be able to leave the camps and look for their families or try to return to their villages” without being detained.¹⁹⁷

At the June 20 meeting, the government also described plans to relocate military bases to increase the space between armies.¹⁹⁸

June 9 marked the one-year anniversary of the end of the seventeen-year cease-fire agreement, and fighting continues to intensify with “skirmishes reported in several locations on a near-daily basis.”¹⁹⁹ Human Rights Watch (HRW) has attributed serious human rights offenses, such as the conscription of child soldiers, to both the KIA and the Myanmar army.²⁰⁰ Moreover, displacements, horrific conditions in refugee camps, and the ongoing violence have meant that education, health care, and access to basic needs like food and medicine are limited.²⁰¹ Moreover, humanitarian relief is only intermitting and, since March 2012, the Myanmar government has only allowed a few UN convoys to access the area.²⁰²

HRW recently issued a report, *Isolated in Yunnan: Kachin Refugees from Burma in China's Yunnan Province*, which documents the struggles of the 7,000 to 10,000 Kachin refugees who have fled to southwestern China since 2001.²⁰³ Based on over one hundred interviews with refugees, internally displaced persons (IDPs), relief workers, and others, HRW's Deputy Asia Director, Phil Robertson, declared that “[w]e are looking at a real humanitarian crisis for this group....of refugees in a desperate situation.”²⁰⁴

The report calls on China to “meet its international legal obligations to ensure refugees are not returned and that their basic needs are met.”²⁰⁵ The report responds to reports that China has both forcibly returned refugees and limited refugees' access even though China is a party to the 1951 Refugee Convention and other human rights instruments.²⁰⁶ The report called for unlimited access by the United Nations and other humanitarian agencies.²⁰⁷ The report also documents accounts of refugees exposed to random drug testing, harassment and other forms of exploitation.²⁰⁸

On June 7, the Kachin Women's Association Thailand (KWAT) released a report, *Ongoing Impunity: Continued Burma Army Atrocity against the Kachin People*, which documents 43 cases of sexual violence and rape by the Myanmar army in Kachin State since June 2011.²⁰⁹ Hkawng Seng Pan of KWAT called for the international community to support an independent inquiry, citing the lack of domestic options for justice.²¹⁰

However, Special Rapporteur Quintana previously noted that “a UN-led Commission of Inquiry into the ethnic violence was no longer politically feasible,” while U.S. Secretary of State Hillary Clinton retreated from a “previous call for a UN war-crimes probe into abuses.”²¹¹ Similarly, many at a roundtable discussion in Chiang Mai, Thailand involving the Karen National Union (KNU), Burmese exile groups, and international NGOs said it was “too early to talk about transitional justice in [Myanmar] or the formation of a Truth and Reconciliation Commission.”²¹²

C. Other Significant Developments

Ethnic conflict with the Myanmar army continues in Shan State, with reports that “skirmishes have been breaking out between [the Shan State Army-South and -North] troops and the [Myanmar] army.”²¹³ On June 29, the Shan State Army-South sent a letter to the Deputy Supreme Commander of the Myanmar Army protesting recent violence.²¹⁴

While in Thailand, Suu Kyi met with Karen refugees.²¹⁵ She told them: “I have not forgotten you while you are living in another country.”²¹⁶ During her trip to Norway, Suu Kyi asked refugees “to offer greater vocal support for the cease-fires.”²¹⁷

The United Nations is supporting the Myanmar government’s plans to resettle hundreds of thousands of refugees.²¹⁸ Specifically, the UNHCR will open up regional offices in Myanmar and take steps to prepare refugees for repatriation.²¹⁹

The Karen Women’s Organization (KWO) held a workshop this month on “Refugee Rights and Repatriation.”²²⁰ The KWO urged the government to include refugees in its repatriation plans.²²¹ KWO Secretary Eh Kler emphasized that “[r]efugee return will not be safe unless we are listened to every step of the way.”²²²

Recently, it was reported that child soldiers were being conscripting into the Myanmar military for a pittance—in some cases, 50 New Zealand dollars and a bag of rice or can of oil.²²³ The UN verified 24 instances of forced child conscripts from January until March 2012.²²⁴ The International Labor Organization is currently investigating 72 complaints of underage recruitment.²²⁵ The UN Secretary General recently reported that the Myanmar army, the Democratic Karen Buddhist Army, the KIA, Karen National Liberation Army, Karen National Liberation Army-Peace Council, Karenni Army, Shan State Army-South, and United Wa State Army recruit and use child soldiers.²²⁶

In late June, Myanmar pledged to stop recruiting children and to discharge any soldiers younger than 18.²²⁷ The government also agreed to help negotiate with other armed groups who use child soldiers.²²⁸ On June 28, Myanmar and the United Nations signed a Joint Action Plan with the United Nations to this effect.²²⁹ Myanmar was included on an updated U.S. State Department list of countries that use child conscripts.²³⁰ The U.S. government prohibits military aid to governments that recruit and use soldiers younger than 18.²³¹

IV. Political Prisoners

Since the last prisoner amnesty in January 2012, there has yet to be a significant reduction in the number of political prisoners.

On June 11, 2012, Amnesty International issued a statement demanding the immediate release of Phyo Wai Aung, a prisoner sentenced to death after an unfair trial who is currently suffering from advanced liver cancer.²³² Amnesty International’s demand follows a similar statement released by the Assistance Association for Political Prisoners-Burma (AAPP) in May 2012.²³³

On June 16, 2012, during her Nobel lecture, Suu Kyi addressed concerns over the lack of political prisoner releases in recent months and advocated for the release of the remaining political prisoners and prisoners of conscience in Myanmar.²³⁴ She noted “[i]t is to be feared that because the best-known detainees have been released, the remainder, the unknown ones, will be forgotten... one prisoner of conscience is one too many.”²³⁵

Two days later, on June 18, 2012, Industry Minister Soe Thane revealed that the Myanmar government is considering freeing all remaining political prisoners by July 2012.²³⁶

Thane stated that the government has “the idea to release the rest of the people. An idea, not an order... It’s an ongoing process.”²³⁷ This statement raises expectations for an improvement in Myanmar’s political prisoner situation in July.

The U.S. administration continues to press for the release of the remaining political prisoners. Michael Quinlan, Yangon embassy spokesman, recently announced that “[i]n almost every meeting we have with the Burmese government, we engage on the issue.”²³⁸

V. Codification and Implementation of Civil, Political, Economic and Social Rights

A. Media Freedoms

This month, the civilian government engaged in the “worst moment for media” since coming to power.²³⁹ In a throwback to junta rule, the government “ordered that all Rakhine-related news go through the censorship board.”²⁴⁰ The censorship board censored articles “not based on official reports” of the violence.²⁴¹ The government has indefinitely banned at least one publication for “inflammatory coverage.”²⁴² Nevertheless, state-run media sources have “describ[ed] the violence in Rakhine State in surprising detail for a country where previous outbreaks of communal violence were often hushed up.”²⁴³

Also this month, five reporters received a “mild rebuke” after reporting on the conflict from Kachin State, conduct that would have previously led to a prison sentence.²⁴⁴

Next month, the government is expected to unveil a new media law.²⁴⁵ While the government has not yet disclosed the details of this “wide-ranging media law,” a UNESCO representative noted Myanmar was “surprisingly receptive to input from the U.N. cultural agency.”²⁴⁶ The government also reviewed other Asian and Western media legislation.²⁴⁷ Regardless, because the law will undoubtedly contain some “measure for control,” one reporter noted that “no media law is the best media law.”²⁴⁸ Amnesty International has called the the secrecy surrounding media reform “discouraging.”²⁴⁹

Many express concern “that the end of censorship could prove a minefield, with officials and others ready to slap lawsuits on independent media prone to error.”²⁵⁰ According to journalists, some lawsuits have already been filed.²⁵¹ Another concern via media freedom is the purchase of many of Myanmar’s 150 newspapers and other media sources by the “cronies”—“powerful Myanmar tycoons with ties to the country’s former military leaders.”²⁵²

Nevertheless, significant strides in media have been made. All imprisoned journalists have been released.²⁵³ Formerly “taboo” pictures of Aung San Suu Kyi are often printed in “all but state-controlled media.”²⁵⁴ The scope of topics covered by journalists has also widened.²⁵⁵ In early June, David Ensor, Director of the Voice of America (VOA), met with Parliament speaker Thura Shwe Mann about opening a news bureau in Myanmar.²⁵⁶

Additionally, Internet freedom has grown exponentially since the government lifted controls last August.²⁵⁷ Particularly in lieu of recent sectarian violence, grievances and other “unfettered” expression have become extremely commonplace in online forums.²⁵⁸

Moreover, many of last month's energy protests, as well as the June 5 protests of Muslims and Buddhists in Yangon, were facilitated by social networking websites.²⁵⁹ Notably, some Myanmar officials have been updating their Facebook pages about ongoing conflict.²⁶⁰

This internet freedom has "creat[ed] a new set of challenges for the country's military-backed government."²⁶¹ In lieu of recent events, a local business executive cautioned that Internet users "tend to be younger and maybe more volatile or aggressive than older generations who learned not [to] discuss religious or racial matters so freely."²⁶²

B. Religious Freedom

While the violence in Rakhine is primarily ethnically motivated, violence has highlighted fissures between Myanmar's Buddhist and Muslim population.²⁶³ One Muslim leader told American Free Press that there was "no religious freedom" and that government officials "rarely granted permission for new mosques to be built, or repairs to be carried out."²⁶⁴ Rohingyas are often characterized as "terrorists," and Muslims in Myanmar are frequently associated with violent forms of Islam.²⁶⁵ Suu Kyi has acknowledged that "[Myanmar] will need time to bring true harmony between the Muslims and the Buddhists."²⁶⁶

C. Forced Labor

On June 13, the International Labor Organization (ILO) voted to lift restrictions against Myanmar as a result of Myanmar's strides in eradicating forced labor.²⁶⁷ The ILO, which recently met with President Thein Sein and Suu Kyi during its high-level mission to Myanmar, acknowledged that "there had been a substantial reduction in, or in some cases a cessation of forced labor, particularly in the last few months."²⁶⁸ The ILO and Myanmar recently reached an agreement to eliminate forced labor by 2015.²⁶⁹ Myanmar Labor Minister, Aung Kyi, stressed that the eradication of forced labor is a government priority and may even be realized before 2015.²⁷⁰ As a result of the ILO's decision to lift restrictions and grant Myanmar membership, the developing nation may now be included in the preferential export systems of the European Union and World Trade Organization.²⁷¹

Human rights organizations and humanitarian groups, particularly the Arakan Project and Shan Human Rights Foundation (SHRF), insist that forced labor in Myanmar, particularly among ethnic minorities, is systematic.²⁷² On May 30, the Arakan Project released the report, *Forced Labour Still Prevails: Overview of Forced Labour Practices in North Arakan*, documenting the widespread exploitation of villagers and children.²⁷³ Arakan Project Director, Chris Lewa, has asserted that the ILO's decision is "premature."²⁷⁴ On the other hand, Amnesty International, in a report released May 25, cited "credible reports that the practice is on a downward trend."²⁷⁵ Myanmar also shifted from the "bottom blacklist" to the "watchlist" in the U.S. State Department *2012 Trafficking in Persons Report* because the government "took a number of unprecedented steps to address forced labour and the conscription of child soldiers."²⁷⁶

D. Economic Reform

This month, President Thein Sein announced an economic-centered "second wave of reforms."²⁷⁷ Among the changes proposed is a foreign direct investment law that the Myanmar

Parliament is expected to pass within the next few weeks.²⁷⁸ Thein Sein wants to prevent FDI from becoming “detrimental to the interests of the state and the people.”²⁷⁹

President Thein Sein has also demonstrated support for privatizing and increasing private sector involvement in the economy, as well as developing industrial zone and minimum wage laws.²⁸⁰ Key industries likely to be targeted include telecommunications, electricity, energy, forestry, education, health and finance.²⁸¹ However, Thein Sein has noted that “[t]he privatisation that is in the second wave of government reforms does not mean we are going to break them up and sell them.”²⁸²

At the World Economic Forum earlier in June, Myanmar’s Energy Minister, Than Htay, announced the government’s proposed investment shift from “resource-based foreign investment with production-based investment.”²⁸³

The differences between Thein Sein’s “second wave of reforms” and the caution that Suu Kyi is advocating abroad highlights the difference priorities of and threatens the “fragile balance of power” between Myanmar’s “two presidents.”²⁸⁴

E. Other Significant Developments

Last month, demonstrations against chronic electricity shortages spread throughout the country.²⁸⁵ These protests “petered out after officials promised to expand electrical power.”²⁸⁶

On June 28, Myanmar’s state-run newspaper announced that taxes on certain agricultural-related items, such as fertilizer, machinery, and pesticide, will be suspended from July 1 until March 13, 2013.²⁸⁷ Additionally, tax suspension on exports like rice, beans, corn, and rubber will be extended.²⁸⁸ This decision aligns with the government’s aim of “stimulating the agro-industry as a fundamental building block in the country’s development.”²⁸⁹ The government also recently granted impoverished farmers access to micro-credit.²⁹⁰

Following its mission to Myanmar this month, Amnesty International relayed “credible reports of land-grabbing and forced evictions,” noted that impoverished farmers lacked access to courts, criticized the fact that “customary rights to land are no longer taken into account when determining land registration and title,” and dismissed two new land laws for the lack of protection granted to farmers.²⁹¹

VI. Governance and the Rule of Law

Weak rule of law continues to plague Myanmar and hinder the legal reform process. While abroad, amid ongoing ethnic rioting and violence back home, Suu Kyi emphasized the need for the rule of law in Myanmar.²⁹² As we have previously reported, the lack of judicial independence in Myanmar is of particular concern. This month, Suu Kyi warned that “even the best investment law will be of no use whatsoever if there are not courts clean or independent enough to be able to administer those laws justly.”²⁹³

On June 4, the Asian Legal Resource Centre (ALRC) issued a statement that condemned corruption among judicial officers, as well as other shortcomings in Myanmar’s legal system.²⁹⁴

Reuters recently published a special report on Myanmar's "apparatus of oppression: corrupt judges, horrific prison condition, draconian laws...and police and soldiers who torture with impunity."²⁹⁵

Also this month, Amnesty International called legal reform in Myanmar "long overdue," while recognizing some recent positive developments, such as Myanmar's Labor Dispute Settlement Law.²⁹⁶ Nevertheless, according to AI, "[m]ost political prisoners in Myanmar have been sentenced under laws that place the country well outside of international norms and standards on the freedoms of expression, peaceful assembly, and association."²⁹⁷

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