

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## July 2013 REPORT

**Summary.** This report reviews July, 2013 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

<b>I.</b>	<b>International Community, Economy, Sanctions .....</b>	<b>2</b>
<b>II.</b>	<b>Civil and Political Rights.....</b>	<b>2</b>
<b>A.</b>	<b>Election-Related Laws and Acts .....</b>	<b>2</b>
<b>B.</b>	<b>Press and Media Laws / Censorship.....</b>	<b>3</b>
<b>C.</b>	<b>Official Corruption .....</b>	<b>4</b>
<b>D.</b>	<b>Miscellaneous.....</b>	<b>4</b>
<b>III.</b>	<b>Governance and Rule of Law.....</b>	<b>6</b>
<b>IV.</b>	<b>Political Prisoners .....</b>	<b>6</b>
<b>V.</b>	<b>Economic Development .....</b>	<b>7</b>
<b>A.</b>	<b>Developments in the Legal Framework of Economic Development.....</b>	<b>7</b>
<b>B.</b>	<b>Developments in Foreign Investment and Economic Development Projects .....</b>	<b>8</b>
<b>C.</b>	<b>Land Seizures.....</b>	<b>9</b>
<b>VI.</b>	<b>Ethnic Violence.....</b>	<b>10</b>
<b>A.</b>	<b>Karenni.....</b>	<b>10</b>
<b>B.</b>	<b>Kachin .....</b>	<b>10</b>
<b>C.</b>	<b>Wa.....</b>	<b>10</b>
<b>D.</b>	<b>Violence Against Muslims .....</b>	<b>10</b>

## **I. International Community, Economy, Sanctions**

In July, international leaders, including United Nations officials and heads of state, offered strong criticisms of Myanmar's treatment of Muslim minorities and other human rights abuses. The U.N. Secretary General Ban Ki-moon told the Group of Friends on Myanmar, a group of 14 nations including the United States, China and Japan, that he was "deeply troubled" by the "disturbing humanitarian situation" in Rakhine state and that there is a "dangerous polarization" in Myanmar that could provoke violence and undermine the reform process.<sup>1</sup> He called for Myanmar's government to address the "legitimate" grievances of minority communities, "including the citizenship demands of the Muslim/Rohingya in Rakhine."<sup>2</sup>

During President Thein Sein's first official visits to London and Paris, British Prime Minister David Cameron and French President Francois Holland each expressed concern about attacks by Buddhists on Muslims in Rakhine Province.<sup>3</sup> In a speech at Chatham House in London, a political research organization, Thein Sein acknowledged the violence between Buddhists and Muslims and promised a "zero-tolerance approach . . . against those that fuel ethnic hatreds." He also said that Myanmar has negotiated cease-fires with all but one rebel militia and expects to "turn a corner soon" and "very possibly, over the coming weeks . . . have a nationwide cease-fire and the guns will go silent everywhere in Myanmar for the very first time in over 60 years."<sup>4</sup> Thein Sein also pledged to free all remaining political prisoners by the end of 2013,<sup>5</sup> as discussed in greater detail in Section IV below.

Despite criticisms of human rights abuses by Myanmar's military and law enforcement, international offers of military cooperation have increasingly been extended to the government. During Thein Sein's visit to London, British Defense Secretary Philip Hammond issued a statement that British and Myanmar militaries would grow ties. "Reforming the Burmese military and pursuing a sustainable peace process will be key to Burma's stability and prosperity," said Hammond. "The focus of our defense engagement will be on developing democratic accountability in a modern armed forces, and we have offered training for the Burmese military to this end."<sup>6</sup> The next day, officials told reporters that the European Union will help Myanmar combat international crime, including drug smuggling and transnational trafficking, in a series of workshops on border management.<sup>7</sup> Reportedly concerned about Myanmar's growing military ties with the West, General Fan Changlong, deputy chairman of the Chinese Central Military Commission, visited Thein Sein and General Min Aung Hlaing, the commander-in-chief of Myanmar's military.<sup>8</sup> The generals discussed building strategic relations, maintaining regional peace and eliminating narcotics trade. Myanmar has long purchased weapons from China, but has never properly received military training from its northern neighbor.<sup>9</sup>

## **II. Civil and Political Rights**

### **A. Election-Related Laws and Acts**

On July 18, 2013, Parliament finalized the composition of the 109 member committee that would review the 2008 Constitution. Based on the names of the members distributed in both

the Lower and Upper Houses of Parliament, over 50 of the members will be selected from the ruling Union Solidarity and Development Party (USDP) while more than 40 will be from military personnel.<sup>10</sup> The opposition National League for Democracy (NLD) will be given seven seats on the committee with the remaining members made up of lawmakers from smaller parties and independent MPs.<sup>11</sup> The Deputy Speaker of the Lower House will act as Chairman of the committee while the Deputy Speakers of the Lower House and Upper House will serve as Vice-chairmen.<sup>12</sup>

As mentioned in our June report, the amendment of the constitution is critical to allow Aung San Suu Kyi to run for president in the 2015 election. Accordingly, although the USDP and NLD have yet to reveal which constitutional provisions each party would push to amend, it is widely expected that among other proposed changes, the NLD will push to amend a constitutional provision that bars Suu Kyi from running for president because her late husband and two sons are foreign nationals.<sup>13</sup> However it is still uncertain as to whether there will be enough time before the election to obtain approval and also how much power the committee will be able to enforce. Aung Kyi Nyunt, a NLD Upper House MP said, “The committee’s mandate is just to study the constitution for possible amendments. It does not have much power or authority. I don’t know yet to what degree our recommendations will be accepted.”<sup>14</sup>

In relation to Suu Kyi’s eligibility to be part of the 2015 election, President Thein Sein said that, “as far as her candidacy is concerned I have no objections.”<sup>15</sup> President Thein Sein, who was visiting London and Paris as part of a tour aimed at securing Western aid also said that he is not preparing at the moment to contest the presidential election.<sup>16</sup> Thein Sein added that the Constitution was amendable, but added it was up to lawmakers to decide on amendments and if needed the provisions required would have to be put to a referendum.<sup>17</sup>

## **B. Press and Media Laws / Censorship**

Earlier this month, the Lower House of Parliament approved the amended Printing and Publishing Enterprise Bill despite opposition and criticism by the Myanmar Press Council (Interim). The Draft Bill, which is to replace the 1962 law, requires all publications to register with the government or risk spending six months in jail if they are unable to pay a 10 million kyat (US\$11,621) fine.<sup>18</sup> The Bill will still need approval from the upper house of parliament, before being signed into law by President Thein Sein. The Myanmar Press Council fears that the current Bill will reintroduce censorship in the former military dictatorship.<sup>19</sup> A June report by the Committee to Protect Journalists (CPJ) shares this concern stating that, “Some reporters said they felt that authorities have allowed just enough freedom to relieve international pressure, while at the same time bidding to impose new, less obtrusive modes of censorship and control.”

Following the announcement of the approval, members of the Press Council have threatened to resign if the Bill were to be passed in its current form. The Press Council has appealed to the Upper House and the Lower House (the bicameral assembly) not to approve the law and will work to urge the Upper House to make further amendments.<sup>20</sup> Thiha Saw, a member of the Press Council explained, “The draft Press Law would increase media oppression. The media isn’t the fourth pillar if it is under the Legislature, an authoritarian government, and the judiciary. If this law is passed, the fourth pillar of a free media won’t ever happen. That’s why I’m here to complain.”

The Press Council members are accusing the government of willfully deceiving them because supposedly promises made by the government during prior discussions have not been kept. Before the Draft Law was submitted for approval, the Ministry of Information and the Press Council had met several times, and during these discussions the Ministry had allegedly promised that anything the journalists objected to would not be included in the final version of the law.<sup>21</sup> However, Kyaw Min Swe explains that most of the journalists' amendments were not included when the Draft Law was submitted to the Lower House of Parliament.<sup>22</sup> The government denies any wrongdoing. Vice-Information Minister Ye Htut argues that, "Some parts of the Ministry of Information's submission were included in the draft law, and some were not. The same goes for the submission by Press Council. This is usual in legislation, and it is the procedure by which the Hluttaw acts, in accordance with democratic norms."<sup>23</sup>

The Press Council, formed in September of 2012, is composed of journalists and persons from social organizations throughout the country. Retired Judge U Khin Maung Aye is the chairman of the Council.<sup>24</sup>

### **C. Official Corruption**

Fourteen officials from the Internal Revenue Department of the Finance Ministry (IRD) have been fired after taking bribes. The investigation started when low-ranking IRD officials reported that their bosses were receiving kickbacks from businessmen. A senior IRD official told *The Irrawaddy* that the fired officials include five deputy-directors and five officials in the IRD Rangoon Division, three deputy-directors from the IRD Mandalay Division, and one deputy-director from the IRD Moulmein Division. Fourteen more officials are expected to be punished pending further investigation. However, an officer in the Criminal Investigation Department of Rangoon's Insein Township stated that all of the officials will escape criminal charges of bribery.<sup>25</sup>

Parliament has approved a new anti-corruption bill, almost a year after it was first proposed.<sup>26</sup> The law will require all members of the executive, judicial, and legislative branches of government to declare their assets.<sup>27</sup> Those found to be corrupt will be charged by an anti-corruption commission.<sup>28</sup> President Thein Sein objected to a requirement in the bill that members of the anti-corruption commission also list their personal property and wealth.<sup>29</sup> He proposed an amendment striking the provision, arguing that it went against Myanmar's 2008 Constitution.<sup>30</sup> Parliament rejected this amendment, pointing out that such a requirement was already included in the Union Government Law.<sup>31</sup> The Union Government Law requires those appointed by the president for the formation of a commission with parliamentary approval to send a list of their assets to the president.<sup>32</sup> Since members of the anti-corruption commission are appointed by the president with approval of Parliament, having them "submit the list of their assets and possessions to the president does not go against the constitution."<sup>33</sup>

### **D. Miscellaneous**

Forty-two child soldiers were released from the Myanmar Armed Forces, as international pressure continues to mount. Thirty-four of those released were under the age of 18, while the remaining 8 were young people who had been originally recruited as children. According to

UNICEF, the army has released over 520 children from the army since 2006. But the country has been slow to halt the recruitment of children into its armed forces. In June 2012, Myanmar and the U.N. signed a Joint Action Plan where the government and armed forces committed to ending the recruitment and use of children in the armed forces by the end of 2013. So far, the military has failed to meet clear benchmarks laid out in the plan. According to children's rights advocacy director Jo Becker, "the military has failed to meet even the basic indicators of progress" and "it [may] be too late to make good on its pledge to end all recruitment and use of child soldiers by the end of the year."<sup>34</sup>

At a ceremony commemorating World Population Day, Vice President Dr. Sai Mauk Kham announced his support for ending underage marriage and unsafe abortion practices.<sup>35</sup> The United Nations Population Fund also outlined a proposal for an increase in local services, such as contraception, STI and HIV clinics, maternal health services, and post-abortion care.<sup>36</sup> The adolescent birth rate is 16.9 per thousand among those aged 15-19, according to a 2007 survey, a figure which the Vice President claims is high in comparison to the country's ASEAN neighbors.<sup>37</sup> He also pledged continuing commitment to the goals of the Population and Development Plan of Action and Millennium Development Goals, stressing the need for universal access to information and services on reproductive health.<sup>38</sup>

Gay rights activists plan to file a lawsuit against Mandalay police officers, stemming from allegations that the police officers abused twelve homosexual detainees.<sup>39</sup> On July 6, twelve homosexuals were arrested near Mandalay's Sedona Hotel, at a spot known for its scenic views of the city's moat, and an area where homosexuals and other transgender sex workers are known to gather.<sup>40</sup> After the arrest, the detainees told *The Irrawaddy*, they were abused verbally and physically.<sup>41</sup> They were beaten, forced to do "frog jumps," and act as though they were walking a catwalk before they were put into their cells.<sup>42</sup> Myat Noe, a member of a famous gay dance troupe and one of the detainees, said they were told to shout that they are "not women but men." Because their voices sounded feminine they were beaten further.<sup>43</sup> The police have denied any wrongdoing, maintaining that the officers acted professionally in carrying out their duties.<sup>44</sup> All twelve detainees have been released on bail, after signing an agreement stating that they would not dress like women and would stay away from the area where they were arrested.<sup>45</sup>

Supporters of the draft proposal known as the "Interfaith Marriage Law" have collected over 2.5 million signatures in an effort to restrict marriage in Myanmar between Buddhists and Muslims.<sup>46</sup> Ultra-nationalist Buddhist monk U Wirathu told *The Irrawaddy* that the signatures would be sent alongside the proposed law to Parliament.<sup>47</sup> If passed, the law would restrict interfaith marriages between Buddhist women and men of other religions.<sup>48</sup> Buddhist women would be forced to get permission from their parents and local government officials before they could marry a man from any other faith.<sup>49</sup> Non-Buddhist men would be required to convert to Buddhism in order to marry a Buddhist woman.<sup>50</sup> The proposal has garnered harsh criticism for its alleged violations of basic human rights. Senior monks have distanced themselves from the proposal, and women's rights groups continue to voice opposition.<sup>51</sup>

### **III. Governance and Rule of Law**

Autonomy is expected for universities. Parliament's Education Promotion Committee has been reviewing draft legislation which could be included in a national education bill drafted by the Ministry of Education. Zaw Htay, director general of the ministry's Higher Education Department, told *The Irrawaddy* that ministry officials "have been planning for universities to be autonomous institutions [empowered to make decisions on university affairs]." If passed, the education bill is expected to grant all 168 universities autonomy over curricular and administrative decisions, something they have lacked for over a half-century.<sup>52</sup>

President Thein Sein's administration reshuffled its cabinet for the first time this year.<sup>53</sup> Four Union ministers from the Energy, Industry, Labor, Employment and Social Security, and Rail Transportation ministries were rotated.<sup>54</sup> Ten deputy ministers from the President's Office, Education, Labor, Employment and Social Security, Rail Transportation, and Science and Technology ministries were also reshuffled, including the appointment of six new deputy ministers.<sup>55</sup> The two deputy ministers from the Ministries of Education and Rail Transportation were allowed to voluntarily resign.<sup>56</sup> Brig-Gen Zaw Win, deputy chief of the Myanmar Police Force, was promoted to chief of the police force, replacing Brig-Gen Kyaw Kyaw Tun, who will continue to serve as deputy home affairs minister. President Thein Sein has offered no explanation for the changes.<sup>57</sup>

### **IV. Political Prisoners**

On Monday, July 15, President Thein Sein announced during a European tour that he intends to free all remaining prisoners of conscience by the end of the year.<sup>58</sup> "By the end of the year there will be no prisoners of conscience in Myanmar," President Thein Sein told an audience in London. He added that a special committee was reviewing every political prisoner's case.<sup>59</sup>

To that effect, beginning in late July, Myanmar started releasing approximately 70 political prisoners.<sup>60</sup> Groups remain skeptical, however, that this announcement and subsequent release do not signify any substantive change in how the country will approach human rights or rule of law practices. Critics say that despite this recent news, the government continues to arrest whistle-blowers fighting corruption along with farmers and activists resisting illegal seizures and the environmental degradation of their land.<sup>61</sup> A further concern still is that the laws and regulations that landed many of the political prisoners in jail to begin with remain largely in place.

In particular, Amnesty International criticized the government for detaining a prominent Rohingya lawyer, U Kyaw Hla Aung, on the same day as President Thein Sein's announcement that the government would release all political prisoners.<sup>62</sup> The group accused Myanmar police of targeting the 74-year old because of his work as a Rohingya human rights advocate.<sup>63</sup>

## V. Economic Development

### A. **Developments in the Legal Framework of Economic Development**

On July 11th, President Thein Sein signed the Central Bank Law – also mentioned in last month’s report – which took effect immediately.<sup>64</sup> The new law will establish a central bank free from government interference.<sup>65</sup> The goals of the central bank are “the stability of money, the stability of the banking system, [] the development of effective payment systems,” and support for the government’s general fiscal policy.<sup>66</sup> Some rules and regulations on the central bank have already been drawn up, including a regulation that details how joint-venture banks can be set up with foreign lenders.<sup>67</sup>

The Central Bank Law aims to establish the central bank as an independent body.<sup>68</sup> Previously, the central bank had been under the control of the Finance and Revenue Ministry, and was primarily used to loan money to the government.<sup>69</sup> Newfound autonomy will allow the central bank to independently adjust interest rates, and engage in currency and exchange operations.<sup>70</sup> The law now mandates parliamentary approval for loans to the government, and that the Board of Directors be appointed by the president and approved by parliament, instead of merely being appointed “by the government.”<sup>71</sup> Further, any appointment to the board automatically terminates a person’s tenure as a public officer or member of Parliament, and they are banned from having any other employment or owning more than 5 percent of a company’s equity.<sup>72</sup> The central bank also plans to double its staff, set up new departments, and establish four committee in charge of: (1) monetary policy; (2) financial stability; (3) payment systems; and (4) foreign-exchange management.<sup>73</sup>

Myanmar is also preparing to launch its own stock exchange. Deputy Minister for Finance and Revenue, Maung Maung Thein, confirmed earlier this month that Myanmar will begin the implementation of the stock exchange this year.<sup>74</sup> Although earlier reports estimated that the stock exchange market will not be established until 2015, preparations are already under way.<sup>75</sup> During this process, the Central Bank of Myanmar will receive assistance from the Daiwa Research Institute and Japan’s Tokyo Stock Exchange.<sup>76</sup>

During a July parliamentary meeting, Deputy Minister Sett Aung opined that Myanmar’s Company Act of 1914 “is outdated and does not reflect the current situations.”<sup>77</sup> According to the deputy minister, the 1914 Company Act will be redrawn with assistance from the Asia Development Bank.<sup>78</sup> The 1914 Company Act hurts local businesses because under its terms, any company in which foreigners invest one dollar or more shall be regarded as a foreign company that cannot own immovable assets and must pay tax rates set for foreigners.<sup>79</sup>

The draft Law on Enhancing the Economic Welfare of Farmers, written by members of the parliament (“MPs”) with advice from legal experts, generated significant debate.<sup>80</sup> At a meeting this month, seventeen representatives from the Farmer’s Network met with the Agriculture, Livestock and Fishery Development Committee for four hours and discussed their objections to the proposed law.<sup>81</sup> Under the draft bill, an Agriculture Marketing Committee will set minimum prices for agricultural products.<sup>82</sup> However, some experts predict that the price-setting would “result in a large rise in the cost of living in Myanmar” and “aggravate the poverty of the poorest section of the population in the country.”<sup>83</sup> Farmers are also concerned because the

law defines agribusinesses as farmers, which allows agribusiness to sell their products to the government.<sup>84</sup>

## **B. Developments in Foreign Investment and Economic Development Projects**

According to the Directorate of Investment and Companies Administration (“DICA”), companies from Thailand, Singapore, Britain, China and India have collectively invested over US \$423 million dollars in Myanmar between May 31st and June 30th of this year.<sup>85</sup> Total foreign investment from 32 countries in Myanmar is over US \$42 billion dollars as of May 31st, 2013.<sup>86</sup> Foreign investments are concentrated in the production sector, garment industry and hotel sectors.<sup>87</sup>

As of July 19th, 2013, Myanmar is set to benefit once again from a preferential trade agreement with the European Union (“EU”); the preferences for Myanmar were suspended in 1997 due to the country’s violations of international conventions on forced labor.<sup>88</sup> The trade preferences will be applied retroactively to June 13th, 2012, the day that the International Labor Organization first recognized Myanmar’s progress on the labor rights front.<sup>89</sup> Under this arrangement, Myanmar will have duty-free and quote-free access to European markets.<sup>90</sup>

This month, there was significant activity in Myanmar’s transportation sector. First, Myanmar approved plans to build a new international airport at Hanthawady, central Bago, in order to accommodate the anticipated influx of tourism by 2017.<sup>91</sup> Earlier this month, the Department of Civil Aviation, Ministry of Transport invited qualified firms to bid on the airport project.<sup>92</sup> Four companies – Incheon Airport Consortium, Yongram-CAPE-JGC Consortium, Vinci Airport (France) and Taisei Corporation – submitted their proposals for the contract.<sup>93</sup> The completed Hanthawaddy International Airport will occupy an area of 3,294 hectare and will cost around US \$1 billion to build.<sup>94</sup> Moreover, it is expected to handle up to 12 million passengers a year and may be expanded to accommodate up to 35 million passengers.<sup>95</sup> Second, the Ministry of Rail Transport and the Road Transport Department recently selected the South Korea-based Busan Express Bus Terminal Company and two local companies, Forever Green Right Services Company and Moe Thaut Hnin Company, to operate transport services as a joint venture.<sup>96</sup> The three companies will be responsible for the construction of terminal buses, vehicle maintenance and passengers’ transportation.<sup>97</sup>

A Myanmar-China natural gas pipeline – co-invested by six companies from China, Myanmar, South Korea and India – started to deliver gas to China this month.<sup>98</sup> The pipeline is part of the Myanmar-China Oil and Gas Pipeline project and has an expected annual throughput of 12 billion cubic meters.<sup>99</sup>

July, 2013 saw an influx of foreign interest and investment activity in Myanmar. The United Kingdom pledged to invest over US \$385 million in Myanmar in the next two years.<sup>100</sup> During President Thein Sein’s trip to the UK this month, he also encouraged UK companies to invest in Myanmar’s economy, such as the natural resources industry.<sup>101</sup> Economic ties between Myanmar and South Korea are improving as well. At a joint Myanmar-South Korea economic cooperation meeting, the South Korean government agreed to provide US \$500 million in loans to Myanmar from its Economic Development Cooperation Funds.<sup>102</sup> The joint committee also discussed eight areas of cooperation covering 39 projects, including those in the infrastructure



development and the services and sports sectors.<sup>103</sup> In addition, the Taiwan-based E.SUN Bank opened a representative office in Yangon.<sup>104</sup> The bank will provide financial advice to Taiwanese traders operating in Myanmar and monitor Myanmar's political, legal, and social trends, as well as any other related news that may be of interest to Taiwanese businessmen.<sup>105</sup> Finally, multiple foreign automobile companies, including Mercedes-Benz,<sup>106</sup> Nissan,<sup>107</sup> General Motors,<sup>108</sup> Mitsubishi and Nippon Koei<sup>109</sup> expressed interest in Myanmar. Japan-based Mitsubishi Materials Corporation also met with officials from Myanmar's DICA to discuss its investment plans and the rules and regulations on foreign investment.<sup>110</sup>

### C. Land Seizures

On July 25, 2013, at least 400 people gathered in front of a public park in Yangon to protest the former military regime's land seizure in 1991.<sup>111</sup> The protesters alleged that military officials and the then township law and order restoration council members forced out the residents living in three Migyaungkan wards in Thingangyun township.<sup>112</sup> As a result, the residents had to resettle on the fringes of the city.<sup>113</sup> The protesters demanded the return of the seized land to the public.<sup>114</sup>

During the Union Assembly meeting this month, MPs discussed a report from the investigation commission on land seizure issues.<sup>115</sup> The investigation commission received over 10,000 complaints from all over the country, yet many remain unsolved. MPs urged the government to take prompt action to remedy the situation.<sup>116</sup> For instance, one MP suggested that "[c]onfiscated farmlands that fall outside the area of military regiment expansion should be given back to the farmers as soon as possible."<sup>117</sup>

At a recent parliamentary session, the Minister for Defense, Lt-Gen Wai Lwin, estimated that "[t]he total amount of land confiscated by the army from farmers across Myanmar is equivalent to an area larger than Yangon city district—over 297,000 acres [460 sq miles]."<sup>118</sup> However, after reviewing half of all complaints, the military will return a fraction of the farmland it forcibly seized.<sup>119</sup> As of now, only 18,364.49 acres of unused farmlands confiscated by the military will be returned to their rightful owners.<sup>120</sup> The rest of the lands, Lt-Gen Wai Lwin stated, cannot be returned for security reasons because of their proximity to military bases.<sup>121</sup> He added that "the farmers need to stop staging protests or their fight to win back their lands."<sup>122</sup>

Myanmar's development projects are also fueling the land confiscation problem. Officials took land from local residents to make room for the Thilwa Special Economic Zone project.<sup>123</sup> At a recent meeting with the residents, the officials from the Myanmar Port Authority announced that they will only compensate for the crops on the confiscated land, not the land itself.<sup>124</sup> Instead, residents must submit a complaint to the authorities for land compensation, because "these lands have been bought by the Human Settlement and Housing Development."<sup>125</sup> Additionally, residents in the Magwe Region's Ngape township and in Shan State's Kyaukme township have yet to receive compensation for their land confiscated for the Myanmar-China pipeline project – even though the pipeline has started delivering gas to China, as noted above.<sup>126</sup>

## **VI. Ethnic Violence**

### **A. Karenni**

Representatives from the Karenni National Progressive Party (KNPP) and the government reached an eight-point peace agreement in June 2012 and agreed on June 20, 2013 to form a panel to monitor their agreement.<sup>127</sup> The agreement includes a nationwide ceasefire, plans of resettling thousands of displaced persons, land mine clearance and the expectation of continued political dialogue.<sup>128</sup> The parties agreed to form a local peace monitoring committee which consists of representatives and community leaders from each side.<sup>129</sup>

### **B. Kachin**

Since the signing of the seven-point ceasefire deal between the government and ethnic rebels from the Kachin Independence Organization (KIO) on May 30, 2013, in which the parties reportedly agreed to “undertake efforts to achieve de-escalation and cessation of hostilities,” there have been over 20 clashes between the two sides.<sup>130</sup> The conflict has resulted in the displacement of at least 100,000 civilians, as well as numerous human rights violations.<sup>131</sup> Recently, the government has been accused of attacking the Kachin and killing at least two civilians.<sup>132</sup>

### **C. Wa**

The United Wa State Army (UWSA), an ethnic armed force in Myanmar, was the first to sign an initial ceasefire agreement with the civilian government that took power in 2011.<sup>133</sup> That 2011 accord was tested in recent weeks as the Wa objected to the reinforcement of government troops surrounding their territory in Shan State.<sup>134</sup> UWSA representatives and the government reached a five-point agreement on July 12, 2013, in which the state agreed to meet with the rebels when military issues arose and the UWSA agreed not to secede.<sup>135</sup> However, the UWSA and its roughly 30,000 troops have continued to acquire weapons and advanced equipment such as helicopters and surface-to-air rockets that suggest they do not feel secure with their tentative agreements.<sup>136</sup>

### **D. Violence Against Muslims**

Within Rakhine state, there are still up to 140,000 internally displaced people (IDP), stemming from the religious unrest that began in June of 2012.<sup>137</sup> The country’s Buddhist-Muslim violence continued this month, resulting in, for example, the death of two and the wounding of six internally displaced people in the Kyeni Ni Pyin IDP camp in Pauktaw township of the Rakhine state.<sup>138</sup>

The Buddhist-Muslim violence, mostly attacks by Buddhist mobs, has killed about 200 Muslims, and the government’s inability or unwillingness to stop the assaults has marred the nation’s image abroad as it moves toward democracy.<sup>139</sup> The majority of people sentenced for these crimes have been Muslims, even though Muslims have suffered most of the casualties in the country.<sup>140</sup> Recently more than 20 Buddhists were sentenced to as much as 15 years in prison

for murder and other crimes for rioting, burning and killing in central Myanmar.<sup>141</sup> However, these sentences issued did not erase the sense of unequal justice in Myanmar.<sup>142</sup>

The government has done little to contain the Buddhist-Muslim violence and has continued to allow U Wirathu and other radical monks to give anti-Muslim speeches across the country.<sup>143</sup> A censored Time International cover story placed blame for inciting Buddhist-Muslim violence on U Wirathu and other Buddhist figures in the country: “U Wirathu has been a leading advocate of the ‘969’ campaign, which, among other things, urges Buddhists to patronize Buddhist-run shops. The numerals relate to Buddha and his teachings, but the campaign plays on long-standing tensions—often suppressed during the days of military rule—between Buddhists and Muslims, who, according to official statistics, make up less than 5 percent of the population.”<sup>144</sup> The president’s office recently called U Wirathu and other Buddhist monks “sons of Buddha” and banned the offending issue of Time.<sup>145</sup>

On July 12, President Thein Sein abolished Myanmar’s Nasaka, the border security force, which operates in Rakhine State near the Bangladesh border and has achieved notoriety for enforcing discriminatory laws against Rohingya people.<sup>146</sup> In response, the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, called for an investigation of human rights abuses committed by the Nasaka and for reform of discriminatory laws that Nasaka used to abuse and extort money from Rohingya people.<sup>147</sup>

---

1 United Nations, July 10, 2013: <http://www.un.org/sg/statements/index.asp?nid=6963>.

2 *Id.*

3 Fox News, July 15, 2013: <http://www.foxnews.com/world/2013/07/15/cameron-presses-myanmar-leader-on-human-rights/print#ixzz2Z8UcpdmA>; The Irrawaddy, July 18, 2013: <http://www.irrawaddy.org/archives/40305>.

4 Chatham House, July 15, 2013:

<http://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/150713Sein.pdf>.

5 The New York Times, July 16, 2013: <http://www.nytimes.com/2013/07/16/world/asia/myanmar-admits-to-political-prisoners-pledging-their-freedom.html>.

6 The Irrawaddy, July 16, 2013: <http://www.irrawaddy.org/archives/40175>.

7 Eleven Myanmar, July 17, 2013: <http://elevenmyanmar.com/national/2791-myanmar-to-cooperate-with-eu-to-combat-international-crime>.

8 The Irrawaddy, July 25, 2013: <http://www.irrawaddy.org/archives/40711>.

9 *Id.*

10 Mizzima, July 23, 2013, <http://www.mizzima.com/news-91481/prisoner-watch/9724-constitution-review-committee-formed-by-parliament?tmpl=component&print=1&layout=default&page=>

11 *Id.*

12 *Id.*

13 The Irrawaddy, July 11, 2013, <http://www.irrawaddy.org/archives/39833>

14 Mizzima, July 23, 2013, <http://www.mizzima.com/news-91481/prisoner-watch/9724-constitution-review-committee-formed-by-parliament?tmpl=component&print=1&layout=default&page=>

15 The Irrawaddy, July 19, 2013, <http://www.irrawaddy.org/archives/40444>

16 *Id.*

17 *Id.*

18 DVB, July 10, 2013: <http://www.dvb.no/news/burma-publishing-bill-to-reintroduce-censorship-activists/29557>

19 *Id.*

20 Mizzima, July 10, 2013: <http://www.mizzima.com/news/media/9656-press-council-members-threaten-to-resign>

21 *Id.*

22 *Id.*

23 *Id.*

---

24 *Id.*  
25 The Irrawaddy, July 18, 2013: <http://www.irrawaddy.org/archives/40344>.  
26 The Irrawaddy, July 30, 2013: <http://www.irrawaddy.org/archives/41007>.  
27 *Id.*  
28 *Id.*  
29 Eleven Myanmar, July 9, 2013: <http://elevenmyanmar.com/politics/2715-parliament-rejects-president-s-amendment-of-anti-corruption-bill>.  
30 *Id.*  
31 *Id.*  
32 *Id.*  
33 *Id.*  
34 Catholic Online, July 8, 2013: [http://www.catholic.org/international/international\\_story.php?id=51627](http://www.catholic.org/international/international_story.php?id=51627).  
35 Mizzima, July 15, 2013: <http://www.mizzima.com/news/health/9676-vp-calls-for-end-to-teen-pregnancy>.  
36 *Id.*  
37 *Id.*  
38 Reliefweb, July 11, 2013: <http://reliefweb.int/report/myanmar/unfpa-myanmar-and-ministry-immigration-and-population-celebrate-world-population-day>.  
39 The Irrawaddy, July 16, 2013: <http://www.irrawaddy.org/archives/40155>.  
40 *Id.*  
41 *Id.*  
42 *Id.*  
43 The Irrawaddy, July 10, 2013: <http://www.irrawaddy.org/archives/39761>.  
44 The Irrawaddy, July 16, 2013: <http://www.irrawaddy.org/archives/40155>.  
45 *Id.*  
46 The Irrawaddy, July 18, 2013: <http://www.irrawaddy.org/archives/40357>.  
47 *Id.*  
48 *Id.*  
49 *Id.*  
50 *Id.*  
51 DVB, June 21, 2013: <http://www.dvb.no/news/suu-kyi-slams-proposed-inter-faith-marriage-law/28911>.  
52 The Irrawaddy, July 11, 2013: <http://www.irrawaddy.org/archives/39852>.  
53 The Irrawaddy, July 26, 2013: <http://www.irrawaddy.org/archives/40807>.  
54 *Id.*  
55 *Id.*; Myanmar Times, July 29, 2013: <http://www.mmtimes.com/index.php/national-news/7643-ministers-trade-places-as-president-shuffles-team.html>.  
56 The Irrawaddy, July 26, 2013: <http://www.irrawaddy.org/archives/40807>.  
57 *Id.*  
58 Thomson Reuters, July 15, 2013: <http://www.trust.org/item/20130715170444-w7kgx/?source=dpagehead>  
59 *Id.*  
60 The Los Angeles Times, July 23, 2013: <http://www.latimes.com/news/world/worldnow/la-fg-wn-myanmar-political-prisoners-release-20130723,0,3878980.story>  
61 *Id.*  
62 Australia Network News, July 19, 2013: <http://www.abc.net.au/news/2013-07-19/an-lawyer-detention-calls-into-doubt-myanmar-political-prisoner/4832106>  
63 *Id.*  
64 Myanmar Times, July 29, 2013: <http://www.mmtimes.com/index.php/business/7592-new-bank-law-may-spur-confidence-the-fine-print-legal-tax-insight.html>  
65 *Id.*  
66 *Id.*  
67 Reuters, July 12, 2013: <http://www.reuters.com/article/2013/07/12/myanmar-economy-idUSL4N0FI0MB20130712>  
68 The Irrawaddy, July 12, 2013: <http://www.irrawaddy.org/archives/39875>; Mizzima, July 9, 2013: <http://www.mizzima.com/news-91481/prisoner-watch/9650-parliament-adopts-central-bank-law>.  
69 Myanmar Times, July 22, 2013: <http://www.mmtimes.com/index.php/business/7522-central-bank-law-aims-for-independence-the-fine-print-legal-tax-insight.html>.  
70 cogitASIA, July 16, 2013: <http://cogitasia.com/myanmar-central-bank-freedom-reinforces-economic-fundamentals>.  
71 Myanmar Times, July 22, 2013: <http://www.mmtimes.com/index.php/business/7522-central-bank-law-aims-for-independence-the-fine-print-legal-tax-insight.html>.  
72 *Id.*  
73 cogitASIA, July 16, 2013: <http://cogitasia.com/myanmar-central-bank-freedom-reinforces-economic-fundamentals>.  
74 Mizzima, July 17, 2013: <http://www.mizzima.com/business/economy/9697-myanmar-set-for-stock-exchange>  
75 *Id.*

---

76 *Id.*  
77 Eleven Myanmar, July 24, 2013: <http://elevenmyanmar.com/politics/2864-myanmar-to-redraw-1914-company-act>  
78 *Id.*  
79 *Id.*  
80 Myanmar Times, July 22, 2013: <http://www.mmmtimes.com/index.php/national-news/7561-despite-a-new-name-farmer-bill-cops-flak.html>  
81 Myanmar Times, July 29, 2013: <http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/7636-farmers-take-fight-against-draft-law-to-nay-pyi-taw.html>  
82 Myanmar Times, July 22, 2013: <http://www.mmmtimes.com/index.php/national-news/7561-despite-a-new-name-farmer-bill-cops-flak.html>  
83 *Id.*  
84 Myanmar Times, July 29, 2013: <http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/7636-farmers-take-fight-against-draft-law-to-nay-pyi-taw.html>  
85 Eleven Myanmar, July 10, 2013: <http://www.elevenmyanmar.com/business/2728-myanmar-receives-over-us-423-million-foreign-investment>  
86 *Id.*  
87 *Id.*  
88 Eleven Myanmar, July 19, 2013: <http://www.elevenmyanmar.com/business/2808-eu-reopens-preferential-trade-with-myanmar>  
89 Europa Press Releases, July 18, 2013: [http://europa.eu/rapid/press-release\\_IP-13-695\\_en.htm](http://europa.eu/rapid/press-release_IP-13-695_en.htm)  
90 *Id.*  
91 TTR Weekly, July 4, 2013: <http://www.ttrweekly.com/site/2013/07/myanmar-to-build-new-airport-2/>  
92 *Id.*  
93 *Id.*  
94 *Id.*  
95 *Id.*  
96 Eleven Myanmar, July 24, 2013: <http://www.elevenmyanmar.com/business/2852-three-companies-chosen-to-operate-transport-services>  
97 *Id.*  
98 China Daily, July 28, 2013: [http://usa.chinadaily.com.cn/business/2013-07/28/content\\_16844673.htm](http://usa.chinadaily.com.cn/business/2013-07/28/content_16844673.htm)  
99 *Id.*  
100 Eleven Myanmar, July 19, 2013: <http://www.elevenmyanmar.com/business/2809-uk-to-invest-in-myanmar-s-oil-gas-and-travel-sectors>  
101 *Id.*  
102 Global Times, July 8, 2013: <http://www.globaltimes.cn/content/794523.shtml>  
103 *Id.*  
104 Eleven Myanmar, July 26, 2013: <http://elevenmyanmar.com/business/2867-e-sun-bank-s-opens-representative-office-in-myanmar>  
105 *Id.*  
106 Eleven Myanmar, July 28, 2013: <http://www.elevenmyanmar.com/business/2892-mercedes-benz-company-introduces-spare-parts-and-service-centre-in-yangon>  
107 Eleven Myanmar, July 26, 2013: <http://www.elevenmyanmar.com/business/2892-mercedes-benz-company-introduces-spare-parts-and-service-centre-in-yangon>  
108 Eleven Myanmar, July 12, 2013: <http://www.elevenmyanmar.com/business/2745-general-motors-to-sell-chevrolets-in-myanmar>  
109 Eleven Myanmar, July 11, 2013: <http://www.elevenmyanmar.com/business/2737-mitsubishi-nippon-koei-eye-to-invest-in-myanmar>  
110 *Id.*  
111 Eleven Myanmar, July 27, 2013: <http://www.elevenmyanmar.com/national/2880-hundreds-gather-in-protest-against-seized-lands-in-yangon>  
112 *Id.*  
113 *Id.*  
114 *Id.*  
115 Eleven Myanmar, July 13, 2013: <http://www.elevenmyanmar.com/national/2754-mps-call-for-prompt-actions-to-resolve-land-grabbing>  
116 *Id.*  
117 *Id.*  
118 Mizzima, July 18, 2013: <http://www.mizzima.com/news/myanmar/9710-land-seizures-amount-to-area-larger-than-yangon>  
119 Irrawaddy, July 18, 2013: <http://www.irrawaddy.org/archives/40320>  
120 *Id.*

---

121 *Id.*  
122 *Id.*  
123 Eleven Myanmar, July 21, 2013: <http://www.elevenmyanmar.com/business/2821-myanmar-port-authority-will-only-compensate-for-crops-in-thilawa>  
124 *Id.*  
125 *Id.*  
126 Myanmar Times, July 12, 2013: <http://www.mmtimes.com/index.php/national-news/7464-compensation-still-in-the-pipeline.html>  
127 Center For Strategic and International Studies July, 18: 2013, <http://csis.org/publication/status-myanmars-peace-process>  
128 Mizzima, June 24, 2013: <http://www.mizzima.com/news/ethnic-issues/9573-karennis-agree-8-point-plan-with-government>  
129 Democratic Voice of Burma, June 20, 2013: <http://www.dvb.no/news/politics-news/karenni-rebels-and-govt-progress-on-peace-talks/28877>  
130 The Irrawaddy, June 24, 2013, <http://www.irrawaddy.org/archives/38339>  
131 BosNewsLife, June 30, 2013, <http://www.bosnewslife.com/29162-burma-army-attacks-christian-kachin-two-killed>  
132 *Id.*  
133 Center For Strategic and International Studies July, 18, 2013: <http://csis.org/publication/status-myanmars-peace-process>  
134 *Id.*  
135 Global Post, July 13, 2013: <http://www.globalpost.com/dispatch/news/regions/asia-pacific/130713/myanmar-signs-peace-deal-wa-rebels>  
136 Center For Strategic and International Studies July, 18, 2013: <http://csis.org/publication/status-myanmars-peace-process>  
137 The United Nations High Commissioner for Refugees, June 28, 2013: <http://www.unhcr.org/51cd7fc26.html>  
138 The United Nations High Commissioner for Refugees, June 28, 2013: <http://www.unhcr.org/51cd7fc26.html>  
139 The New York Times, July 11, 2013: [http://www.nytimes.com/2013/07/12/world/asia/buddhists-get-prison-terms-in-myanmar.html?\\_r=1&](http://www.nytimes.com/2013/07/12/world/asia/buddhists-get-prison-terms-in-myanmar.html?_r=1&)  
140 *Id.*  
141 *Id.*  
142 *Id.*  
143 The New York Times, July 2, 2013: <http://latitude.blogs.nytimes.com/2013/07/02/order-of-the-heedless/?ref=myanmar>  
144 Washington Post, July 5, 2013: [http://www.washingtonpost.com/world/asia\\_pacific/in-burma-monks-accused-of-stirring-up-anti-islamic-violence/2013/07/04/ef702e0c-e31b-11e2-a11e-c2ea876a8f30\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-burma-monks-accused-of-stirring-up-anti-islamic-violence/2013/07/04/ef702e0c-e31b-11e2-a11e-c2ea876a8f30_story.html)  
145 The New York Times, July 2, 2013: <http://latitude.blogs.nytimes.com/2013/07/02/order-of-the-heedless/?ref=myanmar>  
146 The Daily Star, July 16, 2013: <http://www.thedailystar.net/beta2/news/myanmar-disbands-nasaka/>  
147 United Nations, July 16, 2013: <http://www.un.org/apps/news/story.asp?NewsID=45418>.