

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## NOVEMBER 2013 REPORT

**Summary.** This report reviews the November 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.International Community &amp; Sanctions.....</b>	<b>3</b>
<b>II.Civil and Political Rights .....</b>	<b>3</b>
<b>A.Election-Related Laws and Acts .....</b>	<b>3</b>
<b>B.Press and Media Laws / Censorship .....</b>	<b>3</b>
<b>C.Official Corruption.....</b>	<b>4</b>
<b>D.Miscellaneous.....</b>	<b>4</b>
<b>III.Governance and Rule of Law.....</b>	<b>4</b>
<b>IV.Political Prisoners.....</b>	<b>4</b>
<b>V.Economic Development .....</b>	<b>4</b>
<b>A.Developments in the Legal Framework of Economic Development.....</b>	<b>4</b>
<b>B.Developments in Foreign Investment and Economic Development Projects.....</b>	<b>5</b>
<b>C.Land Seizures.....</b>	<b>6</b>
<b>VI.Ethnic Violence.....</b>	<b>6</b>
<b>A.Peace Talks.....</b>	<b>6</b>
<b>B.Kachin.....</b>	<b>6</b>
<b>C.Violence Against Muslims.....</b>	<b>6</b>



## **I. International Community & Sanctions**

The first EU-Myanmar Task Force has taken place in Yangon and Nay Pyi Taw, 13-15 November 2013. The purpose of the Task Force is to provide comprehensive support to the democratic transition in Myanmar by bringing together all of the tools and mechanisms – both political and economic (development aid, peace process support, investments) – available to the EU. High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission Catherine Ashton co-chairs the Task Force alongside Soe Thane, Minister in the President of Myanmar's Office. European Commission Vice-President Antonio Tajani (Industry and Entrepreneurship) and European Commissioners Andris Piebalgs (Development and Cooperation) and Dacian Cioloş (Agriculture and Rural Development) also participated in the Task Force, as well as Aung San Suu Kyi.<sup>1</sup>

Catherine Ashton said: “The European Union is determined to help Myanmar pursue the path of peace, democracy and sustainable development; building up trade and investment, respecting human rights and fundamental freedoms and rebuilding relations with the international community. Under the EU's comprehensive framework for engagement we have lifted sanctions, increased development assistance and reinstated trade preferences. This first meeting of the EU-Myanmar Task Force brings together all of our instruments in order to take our partnership to the next level.”<sup>2</sup>

Myanmar and the EU signed a package of accords on cooperation at the Task Force's first plenary session in Nay Pyi Taw. The accords include holding of policy-related discussions on small- and medium-sized enterprises and raw materials; cooperation in long-term development of the tourism industry; joint statement on EU's provision of aid for development; cooperation between European investment bank and Myanmar; and cooperation in agriculture. The signing took place after Myanmar President Thein Sein addressed the opening of the plenary session, which was divided into three sessions, task force economic session, inter-parliamentary session and task force political session. On the second day of the meeting, three forums were held in Yangon which included a business forum, democratic civil society forum and development forum.<sup>3</sup>

The EU-Myanmar Task Force is the fourth of its kind and the first in Asia, following three precedents in the Southern Mediterranean: Tunisia (September 2011), Jordan (February 2012) and Egypt (November 2012).<sup>4</sup>

The European Union may give Myanmar up to €90 million a year in its 2014-20 development-aid budget. This would make the country one of the principal recipients of EU support. The figure compares with a total of roughly €300m (an average of €19m a year) given by the EU to Myanmar between 1996 and 2011, when the EU strictly limited relations with the country and imposed extensive sanctions against its military rulers and associated businesses. In the two years since the country embarked on political and economic reforms, the European Commission has provided around €150m in development support.<sup>5</sup>

Human Rights Watch and 36 other organizations have sent a joint letter to President Barack Obama on November 7, 2013 urging the United States Government to ensure that remaining sanctions on Myanmar are kept up-to-date on human rights abusers.<sup>6</sup>

Since 2012 the US government has waived most sanctions on Myanmar in response to reform efforts by the government of President Thein Sein. The US has kept in place the targeted

sanctions that block certain individuals or companies from any dealings with Americans and freeze their US assets, based on their ties to the military junta that ruled Myanmar until 2011 or their record on human rights, corruption, or arms trading with North Korea. However, despite changes in Myanmar, the Specially Designated Nationals (“SDN”) list with respect to Myanmar has remained essentially unchanged since 2009. According to the joint letter, the continued failure to update the SDN list is despite the fact that some of the submitting organizations have provided concrete examples, with supporting information, of individuals whom they believe should be designated as blocked persons. For example, although the military is sanctioned under US law and in visa restrictions for its egregious human rights violations, the SDN list does not name key military entities and individuals, even in cases where they have been directly implicated in human rights abuses. These include Brigade General Tun Tun Naung, the northern commander who oversees the military’s war against the Kachin Independence Army, in which Myanmar troops under his command have carried out serious human rights abuses and violations of international humanitarian law.<sup>7</sup>

New names should be added to the list in line with a presidential directive to impose targeted sanctions on those responsible for human rights abuses and who undermine political reforms or the peace process with ethnic minorities in Myanmar, Human Rights Watch and the other organizations said.<sup>8</sup>

Further, the administration should adopt and publish clear criteria for deciding who should be removed from the list, including a requirement for those listed to provide a public accounting of past sanctioned activity, make restitution to victims and cut ties to the country’s security forces. Suspect companies should agree to undergo a full and independent audit and individuals should publicly declare their assets.<sup>9</sup>

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

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

In her visit to Australia this month, Aung San Suu Kyi told a packed Sydney Opera House audience of her ambition to become the country’s president in 2015.<sup>10</sup> During her speech, she noted that her party, the National League for Democracy, wanted a rewritten “genuine democratic constitution that will help us to uphold democracy, human rights and national reconciliation.”<sup>11</sup> As this report has noted before, Suu Kyi may not run for President under the country’s current constitution because her sons are British citizens. At least one observer noted that there has been little willingness to accept any change to the key provision of the constitution preventing her run.<sup>12</sup> At the same time, last month the Speaker of Myanmar’s parliament, Shwe Mann, urged unspecified constitutional amendments but qualified that they should not harm peace and stability, national unity or the momentum of democratization.<sup>13</sup> A joint committee of the Parliament is currently reviewing the 2008 constitution.<sup>14</sup>

Late last month, the EU ambassador to Myanmar, Roland Kobia, who arrived in Myanmar in September, announced the EU’s interest in promoting fairness in Myanmar’s upcoming 2015 election and offered to provide monitoring at polling places.<sup>15</sup> He noted that Myanmar has made a commitment to holding “free, transparent, [and] fair” elections and stated the EU had “made an offer that if they were interested in having an election monitoring mission—which gives, you know, a cloud of credibility to elections—we will be very happy to contribute,”<sup>16</sup> Kobia expected other countries to make similar contributions.<sup>17</sup>

The chairman for the Union Election Commission, Tin Aye, is in the process of preparing the by-laws for holding the 2015 election.<sup>18</sup> After meeting with political parties on November 22

to discuss strategic plans, he informed local reporters that elections will be held at the end of 2015.<sup>19</sup> The Commission's plans focus on remedying issues with the by-laws that affected previous elections in 2010 and 2012.<sup>20</sup> One step the Commission plans is reducing the registration fee from its current level of approximately \$518.<sup>21</sup>

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

Earlier this month, Myanmar's lower house of Parliament passed a new media bill.<sup>22</sup> The bill was drafted by the Interim Press Council—which is made up of journalists, trade unions, media owners and civil society stakeholders—although the Parliament made some amendments. The law has now been passed by both Myanmar's lower and upper houses of Parliament, and will now go before the bicameral assembly in Naypyidaw (and upon approval would eventually need to be presented to President Thein Sein).<sup>23</sup> However, journalist organizations were critical of another media law—the Ministry of Information's Printing and Publishing Enterprises Draft Law—which was released in March without consultations with the Interim Press Council.<sup>24</sup> Yet another law, not expected to be passed until at least 2015, would convert Myanmar Radio and Television (MRTV) to a public service outlet.

Myanmar Times journalist Myo Lwin discussed the changes to Myanmar's media landscape at an international journalism conference in India, noting “there's a freedom of press even though the government is still holding the registration [of publications.]”<sup>25</sup> Lwin also commented on the impact of social media and mentioned, “even though the number of those who are using the internet is maybe less than those who are reading the newspapers, I think social media has a lot of impact . . . social media, especially Facebook, is very important for sharing stories with readers.”<sup>26</sup>

Despite the newfound freedoms since 2012 to print without censorship, Myanmar's aspiring new daily newspapers have faced significant economic challenges in achieving viability.<sup>27</sup> The dailies face competition from state-run newspapers which sell at significantly lower prices, as well as the challenges of obtaining readership and advertising in an increasingly digital world that have plagued newspapers everywhere.<sup>28</sup> The economic challenges have been even greater for Myanmar's ethnic groups, for which publishers have found it difficult to profitably operate targeted publications.<sup>29</sup>

### ***C. Official Corruption***

Win Myint, the secretary of the Rule of Law Committee, announced in November that the Committee will present its proposal for an anti-corruption commission to the Myanmar Parliament for consideration during the Parliament's upcoming session.<sup>30</sup> The commission would be established pursuant to the anti-corruption law promulgated by the Myanmar Parliament<sup>31</sup> in August, 2013. The Rule of Law Committee, which was constituted in August 2012, has fifteen members and is chaired by Aung San Suu Kyi. The mission of the Committee is to remind, urge, and assist the government, judicial outfits, and public servants to operate in accordance with the law.<sup>32</sup> Suu Kyi also announced that the Committee was in the process of establishing an organization to prevent bribery, which would supplement the anti-corruption law.<sup>33</sup>

The ninth annual South East Asia Parties Against Corruption (“SEA-PAC”) meeting took place in mid-November in Vientiane.<sup>34</sup> Myanmar signed a memorandum of understanding to enter SEA-PAC, bringing the coalition's membership to ten nations.<sup>35</sup> As a member of SEA-PAC, Myanmar will share in best practices for fighting corruption in the region. Aung San Win, the

Director General of Myanmar's Bureau of Special Investigation, claimed that tackling corruption was a priority task of the Thein Sein Government.<sup>36</sup>

#### ***D. Miscellaneous***

In late November, at least six activists were convicted for violating Article 18 of Myanmar's controversial Peaceful Assembly and Peaceful Processions Law.<sup>37</sup> Of those convicted, one activist received a prison sentence of nine months, while another received a prison sentence of six months; sentences for the other convicted activists have yet to be confirmed.<sup>38</sup> Charges against the activists included attempting to file a lawsuit against the grandson of retired junta chief Senior General Than Shwe, protesting the arrest of other activists and demonstrating against the Latpadaung copper mine project.<sup>39</sup>

The European Union has established in Myanmar an eighteen-month project to introduce best practices in community policing and crowd management as part of its support for the country's police reform.<sup>40</sup> Through its sponsorship of this project, the EU will look to improve the human rights record of the Myanmar police force in responding to demonstrations and violence. The project, which will initially be carried out in a pilot area of Mingala Taung Nyunt Township in Yangon, has already successfully trained 400 police officers in international best practices for crowd management.<sup>41</sup>

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

The secretary of Rule of Law Committee, Win Myint, told Mizzima on November 20 that the Committee will begin observing and inspecting the offices and operations of Myanmar's police chief, general administration departments, and township police stations on the orders of President Thein Sein.

After inspecting several courtrooms across the country, the Committee discovered that the confessions of several alleged criminals had been extracted through torture and coercion. It will visit associated township police stations to make further investigations into these matters. Win Myint also reported that the Committee has uncovered several instances of dereliction of duty and faults in administrative machinery. "We have found several weaknesses in rule of law in administrative procedures, including drug trafficking and border disputes," he said.<sup>42</sup>

### **IV. Political Prisoners**

Officials have said they have released 69 political prisoners on November 15, 2013. The move comes amid a visit by high-profile guests, including officials from the European Union as part of the EU-Myanmar Task Force. The release is part of President Thein Sein's promise to free all prisoners of conscience by the end of the year.<sup>43</sup>

The amnesty includes the prominent rights activist Naw Ohn Hla, sentenced recently to two years in prison for her role in protests over the controversial Latpadaung copper mine. Authorities also freed 12 ethnic Arakanese activists sentenced for organizing a peaceful protest against a Chinese energy pipeline, as well as nine people sentenced for staging a protest without a permit in violation of the public assembly law, and ethnic Shan and Kachin alleged to have contacts with rebel groups. Several other people released probably stretched the everyday definition of "political prisoner," including two grandsons of the former dictator Ne Win, as well

as ethnic Arakanese who opposed the provision of international humanitarian assistance to the persecuted Rohingya Muslim minority.<sup>44</sup>

Per Human Rights Watch, an estimated 64 political prisoners remain and another 256 people are on trial for various alleged offenses related to land disputes, holding public assemblies and political organizing. The latest amnesty demonstrates the Government's prevailing tactic to stage public releases ahead of important events, such as high-level diplomatic visits. But it also indicates the Government's willingness to intervene to rectify blatantly egregious abuses of the legal system by local authorities by showing clemency to peaceful protesters.<sup>45</sup>

On the heels of the release, state-run media reported that the Committee for Scrutinizing Remaining Prisoners of Conscience is to submit a list recommending the release of another 82 political prisoners and charges dropped against more than 200 persons who were detained under Section 18 of the Peaceful Assembly and Peaceful Procession Law.<sup>46</sup>

Human Rights Watch now urges the Myanmar government to take its reform efforts to another level. President Thein Sein and his Government should be pressing for genuine reform of the country's legal system, starting with the repeal of the raft of abusive laws still on the books. They also should ensure that planned new laws such as the one on freedom of association are in line with international human rights standards.<sup>47</sup>

## **V. Economic Development**

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

The Government has pledged to overhaul its 100-year-old Myanmar Companies Act in an effort to improve the country's business regulations and make it easier to do business in the country.<sup>48</sup> The pledge is, in part, a response to a recently issued report by the World Bank and the International Finance Corporation ("IFC") called "Doing Business 2014: Understanding Regulations for Small and Medium-Size Enterprises." It was the first time Myanmar had been included in this report, which is issued annually and ranks 189 countries in 10 different categories that measure the ease of doing business in that country. Myanmar ranked 182 overall, behind Zimbabwe and just in front of the Republic of Congo.<sup>49</sup> In a press release issued to coincide with the report, World Bank Myanmar country manager Kanthan Shankar indicated that "there is considerable scope for reform, and efforts are underway to improve the country's business regulations. By removing bottlenecks to firm creation and growth, governments can signal the emergence of a more business friendly environment, as has already been done in a large number of economies in the region."<sup>50</sup>

Reasons for Myanmar's poor ranking in the World bank's report included, among others, a lengthy registration process of 72 days; outdated laws and bureaucratic practices; an average of 11 different registration processes; and relatively high minimum capital required to register a business.<sup>51</sup> In addition, it is difficult to enforce contracts, with a dispute taking an average 1,160 days, or more than three years, to settle.<sup>52</sup> According to Than Maung, senior associate and advocate at law firm Kelvin Chia Yangon, the legal process is hindered by outdated legislation, but the laws themselves are only part of the problem. He pointed out that most businesses in Myanmar do not use written contracts and rely instead on "gentleman's" contracts. When these businesses encounter foreign businesses increasingly, Myanmar is not in a position to understand or enforce the existing laws.<sup>53</sup> But Than Lwin, an economist and former deputy governor of the Central Bank of Myanmar, said that the ranking systems issued by international finance institutions do not offer an accurate depiction of one country's development or potential future progress.<sup>54</sup> He told the Myanmar Times that he was not concerned with the ranking because

Myanmar was just starting up and is in a time of learning.<sup>55</sup> Likewise, Aung Naing Oo, Director General for Directorate of Investment and Company Administration, said that he expects the country's global ranking to quickly improve. "Myanmar has never been included in this kind of assessment. This is first time, so now we can review ourselves based on what we need to improve through these guidelines."<sup>56</sup>

As conveyed in our previous reports, the Myanmar government has enacted wide-ranging reforms meant to improve the transparency of the country's finances. It is now expected to launch a drive aimed at bringing businesses into the mainstream economy.<sup>57</sup> The Myanmar government will be looking to draw more enterprises into the official economy, allocate payments efficiently and transparently, and boost tax collection.<sup>58</sup> According to The Heritage Foundation, a conservative think tank, Myanmar has one of the lowest tax-to-GDP ratios in the world, at around 5%, far below its ASEAN peers, where this figure averages 15%.<sup>59</sup> However, experts agree that with business dealings largely cash-based, unbanked and untaxed, the size of the economy can never be more than an educated guess.<sup>60</sup> The Government will be hoping that as Myanmar's commercial environment increases in transparency, more local businesses will be encouraged to participate in the country's development, buoyed by rising foreign investment and international trade.<sup>61</sup>

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

The World Bank announced that the Myanmar economy is set to grow an estimated 6.8 percent next year, placing it among Southeast Asia's fastest growing economies.<sup>62</sup> Khwima Nthara, the Bank's senior country economist told Reuters that this growth "is very much attributable to the new wave of [government] reforms."<sup>63</sup> Expansion is expected to be driven by energy and commodities exports, foreign investment, services and construction.<sup>64</sup> Growth would exceed the 6.5 percent achieved in the fiscal year that ended on March 31.<sup>65</sup>

The World Bank also reported in November that foreign direct investment in Myanmar had risen to \$2.7 billion in 2012/13, up from \$1.9 billion in 2011/12.<sup>66</sup> Most of the investment went into the country's energy, garment, information technology and food and beverages sectors.<sup>67</sup> Myanmar's investment commission has indicated that \$54 million of foreign investment flowed in during the month of September, mostly destined for the manufacturing, agriculture, mining, and hotels and tourism sectors that are expected to drive future growth.<sup>68</sup> Inflation is a worrying trend, however, and rose to 7.3 percent in August, fuelled by higher costs for housing and food, particularly rice.<sup>69</sup> Rice prices rose in tandem with exports, which squeezed local supplies, but the Government plans to release domestic stocks to tackle the problem.<sup>70</sup>

At a November press conference in Yangon, Tin Naing Tun, the Director General of Myanmar's Department of Civil Aviation ("DCA"), announced that Myanmar has decided to "call for private sector investment in local airports."<sup>71</sup> He noted that the Myanmar Government spends about \$12 million annually running all 69 of its airports, and the budget constraint does not allow facilities to be maintained properly, nor skilled staff to be taken on to improve the airports.<sup>72</sup> The Government plans to invite local private firms to upgrade and run 32 of the 69 airports across Myanmar "with intent to improve the service as well as the image of the airports."<sup>73</sup> This is in addition to the foreign investment in Myanmar's airports that is already committed. For instance, Akihito Sanjo, a Yangon-based representative of Japan's International Cooperation Agency said that the agency has provided a grant to install safety equipment at some airports, with Japan's Sumitomo Corp picked as the prime contractor.<sup>74</sup> Sanjo met the DCA in November to launch the program at international terminals in Yangon and Mandalay.<sup>75</sup> Likewise,



a Japanese consortium led by Mitsubishi Corp has agreed to revamp the airport in Mandalay, and the Myanmar government has awarded a contract to build a \$1.5-billion international airport to service Yangon at Hanthawaddy to a consortium headed by South Korea's state-run Incheon International Airport Corp.<sup>76</sup> Finally, a \$150-million contract to upgrade Yangon airport was recently awarded to a consortium led by an affiliate of Asia World, a conglomerate run by Tun Myint Naing, also known as Steven Law, the son of the late Lo Hsing Han.<sup>77</sup>

Foreign investment is also being sought for the upgrade of Yangon Central Railway Station. According to the Ministry of Rail Transportation, Myanmar will also soon invite tenders from foreign companies for an upgrade to the station that will include construction of world-class apartments and public services at the station, as well as improvements to the railway system itself.<sup>78</sup> Although local companies have also submitted proposals for the project, the Ministry said it would only choose foreign companies for the upgrade, which can provide accountability.<sup>79</sup> Win Naung, an official from the Ministry, said that proposals have already been made by two companies from each of Japan and Singapore.<sup>80</sup> Myanmar and Japan are also cooperating on the planned upgrade of the Yangon-Bago railroad.<sup>81</sup>

Myanmar has also turned to foreign energy companies to help it exploit its vast untapped natural gas reserves offshore and onshore energy wealth. According to the Irrawaddy, North Petro-Chem Corporation (Myanmar) Ltd. gave a presentation at a recent conference attended by the 61 local and international firms prequalified to bid for blocks in Myanmar.<sup>82</sup> The 18 onshore blocks will be awarded to the highest bidders before the end of the year, while bidding for the 30 offshore blocks will end soon, and licenses are set to be awarded early next year.<sup>83</sup> Among those allowed to bid for the offshore blocks are Total SA, Chevron Corporation, Exxon Mobil Corporation and Statoil ASA, along with Chinese, Japanese and Korean companies.<sup>84</sup> According to Platts, an information provider in the energy industry, bidders are allowed to submit a maximum of three bids each and the blocks will be awarded under a production sharing contract regime, although foreign companies could be offered full ownership of some of the deepwater blocks.<sup>85</sup> For the shallow water blocks, companies have to team up with at least one Myanmar-owned company, but they are expected to invest without local participation in the deepwater blocks.<sup>86</sup> According to a document on the Myanmar Ministry of Energy's website, as of November 28, Myanmar had received bids for these blocks from 30 companies.<sup>87</sup>

As described in our October report, Mitsubishi Corp., Sumitomo Corp. and Marubeni Corp have agreed to form a venture with Myanmar to build an industrial hub, called Thiwala, in Yangon. In early November, this consortium of Japanese companies started to fill in the details of the massive 6,000-acre Thilawa Special Economic Zone infrastructure project.<sup>88</sup> An additional joint venture between Myanmar and Japan was formed in early November to begin development of a 1,000-acre industrial estate near Yangon which is part of the Thiwala project.<sup>89</sup> The new JV will develop roads, sewage systems, waterworks and power distribution networks in a huge expanse of pasture, for a cost of ¥17 billion (about \$170 million).<sup>90</sup> The construction will begin by the end of the year and is slated for completion by 2015.<sup>91</sup> Toru Kabeya, infrastructure project manager at Marubeni, said that the lots are initially targeted at light-industry manufacturers, such as shoe- and clothing makers for exports to China, Japan and other Asian markets.<sup>92</sup> In the future, the industrial estate is expected to attract car and motorcycle makers, as domestic demand starts growing with a rise in per-capita income. Obstacles still remain, however, as Myanmar's government has yet to reach an agreement with local communities over compensation for taking farmland.<sup>93</sup> Providing power, water and transport access to the Special Economic Zone is also an urgent task, which Japan has pledged to undertake with aid programs.<sup>94</sup>

On November 21, 2013, Myanmar took control of its Dawei industrial complex from the Thai company Italian Thai Development (“ITD”) due to ITD’s failure to attract investors to the multi-billion dollar project.<sup>95</sup> According to two sources involved in the Dawei Special Economic Zone (“SEZ”), plans for Dawei have been overhauled to inject foreign capital and expertise to revive the “ambitious” industrial zone, which is a 250 sq km (100 sq mile) deep-sea port, petrochemical and heavy industry hub on the peninsula separating the Pacific and Indian Oceans.<sup>96</sup> The planned complex, which will include a steel mill, refinery and power plant, will be linked by highway to Bangkok and Thailand’s eastern seaboard industrial zone. The project’s ousted leader, ITD, and the firms it had agreed to contract with, have been told to cease activities at Dawei until due diligence by international auditors, meant to create “better modality,” can be completed.<sup>97</sup>

The US is also looking toward Myanmar for investment and trade. The American Chamber of Commerce launched its Myanmar chapter in Yangon at the end of October.<sup>98</sup> Derek Mitchell, the US ambassador to Myanmar, said that he looked “forward to a strong partnership with [Myanmar].”<sup>99</sup> He also noted that the easing of economic sanctions meant that the US government could encourage US businesses to invest and trade in Myanmar.<sup>100</sup> One of the chapter’s first goals will be advocacy in support of a Chamber of Commerce law, which would allow the chapter to become an independent American Chamber of Commerce in Myanmar.<sup>101</sup> While some US conglomerates have invested in Myanmar, overall US investment remains low compared to other Western countries, according to the Myanmar Investment Commission.<sup>102</sup> Easing of sanctions on Myanmar by the US has opened the door to possibilities for engagement by US businesses to support the development and growth of Myanmar’s economy.<sup>103</sup>

### **C. Land Seizures**

The Farmland Investigation Commission is beginning investigations into purported land seizures, according to leader of the Yangon Division Land Seizures Inquiry Commission Aung Thein Lin.<sup>104</sup> The scope of the investigations will reach beyond farmlands to include residential properties and mines, according to sub-commission members Min Thu and Hla Swe.<sup>105</sup> Aung Thein Lin’s Yangon Division Land Seizures Inquiry Commission has already investigated 5,441 land seizure cases since its formation over one year ago.<sup>106</sup>

Farmers from Pyin Oo Lwin township, Mandalay Region, have submitted a claim as part of their campaign to recover more than 10,000 acres of farmland seized by the Department of Military Science and Technology Research more than a decade ago.<sup>107</sup> The claim asserts that the military seized the land from eight villages in the township, without compensation, for the purposes of a military science research project.<sup>108</sup> Htwe Htwe Yi, from one of the affected villages, insists the military was already instructed to return seized lands, but has yet to do so.<sup>109</sup> According to Chief Minister Ye Myint, the regional government is investigating the claim and will negotiate with the military.<sup>110</sup>

Meanwhile, villagers from Dawei Township have complained about numerous land seizures accompanying a rapid influx of companies into the region, following a ceasefire agreement in January 2012.<sup>111</sup> These companies include mining firms as well as the Union of Myanmar Economic Holdings Ltd., a military-run company.<sup>112</sup> Villagers also claim that use of the land for mining is causing additional problems including pollution, sickness, and damage to wildlife.<sup>113</sup> The claims could cause some concern over the continuity of the ceasefire.<sup>114</sup>

The Latpadaung copper mine continued to be a source of conflict this month. Police clashed with protestors and reportedly opened fire on the crowd of about 200, injuring seven.<sup>115</sup> It was unclear whether police used rubber bullets or live ammunition, and the Ministry of

Information's official account is that protestors attacked police first using stones and slingshots, injuring nine.<sup>116</sup> According to villager Pho La Pyae, the catalyst for the skirmish was a blocked attempt by a police car to enter Moegyo Phin (North) village, located near the mine, and the subsequent return of a 17-vehicle police convoy.<sup>117</sup> He also said two people had been seriously injured by gunshot wounds to the upper body.<sup>118</sup> Villagers continue to reject what they believe are unfair compensation offers for seized farmland.<sup>119</sup> The mine project is owned by a Chinese mining company and the previously-mentioned Union of Myanmar Economic Holdings Ltd.<sup>120</sup>

Activist Htin Kyaw, already convicted for his protesting activities, received another nine months of jail time, three of which come as a result of his protest against the Latpadaung mine.<sup>121</sup> The remainder relate to several protests against Section 18 of the Peaceful Assembly and Peaceful Procession Law, under which he is charged.<sup>122</sup>

## **VI. Ethnic Violence**

### **A. *Peace Talks***

In early November, Government negotiators met with ethnic armed organizations in Myitkyina Township in Kachin State and shared the Government's draft of a nationwide ceasefire agreement.<sup>123</sup> According to rebel leaders, the draft was less favorable to their side than regional level discussions had been.<sup>124</sup> Some ethnic minority groups, including the New Mon State Party and Ta'ang National Liberation Army (TNLA) openly rejected the Government's draft because it called for armed rebel groups to disarm.<sup>125</sup> The TNLA, like the Kachin Independence Army (KIA), has been actively engaged in skirmishes with the Myanmar army, and the TNLA and KIA are the last remaining major armed groups that have not signed a preliminary ceasefire with the Government.<sup>126</sup> Ethnic groups are demanding that the Myanmar army be a federalist army, meaning that ethnic armed groups would be integrated into the national army and would also retain autonomy in their respective regions, and that senior ethnic militia leaders be integrated into the army hierarchy.<sup>127</sup> Government negotiators have balked at the demand for a federalist army, and insist that the nation can only have one army.<sup>128</sup>

Several weeks following the Myitkyina summit, representatives of various political parties met with ethnic armed organizations at a conference hosted by the Myanmar Peace Center (MPC) in Chiang Mai, Thailand. The MPC invited the ruling Union Solidarity Development Party, but the party did not send a representative to the talks.<sup>129</sup> The Nationwide Ceasefire Coordination Team (NCCT), a new organization formed during a peace conference among rebel groups in Laiza in October, plans to send its draft of the nationwide ceasefire to the Government following the Chiang Mai meeting.<sup>130</sup> The NCCT is scheduled to meet with the Government's Union Peacemaking Work Committee in December 2013 or January 2014 in Pa'an, Karen State.<sup>131</sup>

Some observers have questioned the means and motivation of the Government's peace negotiations. The Government's chief peace negotiator has reportedly given permits exempting imported cars from taxes to ethnic rebel leaders that have signed preliminary ceasefires.<sup>132</sup> Civilians have not been so enriched. To the contrary, ethnic Karen claim that rapid harmful economic development and land grabs have increased since Karen leaders signed a preliminary ceasefire with the Government.<sup>133</sup>

### **B. *Kachin***

Following a raid by the Myanmar army on Kachin territory in October, Government forces and the KIA continued serious fighting in November, with tragic consequences for

civilians. On November 7, skirmishes broke out in Kaung Lwin Village after the Government demanded that KIA troops move out of the village. An eight year old girl was killed.<sup>134</sup> On November 16, clashes between the Government and KIA in Nam Lim Pa in Mansi Township displaced approximately 2,000 villagers.<sup>135</sup> Government forces briefly detained 300 teachers and students at a school in Nam Lim Pa.<sup>136</sup> According to a KIA spokesperson, the Myanmar army forced four students to stand in front of government troops to serve as human shields.<sup>137</sup> Villagers fled when government troops entered the village firing their weapons.<sup>138</sup> The villagers, many of whom had previously come to Nam Lim Pa after fleeing other dangerous villages, escaped into the surrounding forest and walked for a day or two to a nearby town.<sup>139</sup> According to aid groups, the displaced people are suffering from lack of shelter, warm clothing and food.<sup>140</sup> In all, an estimated 3,000 refugees in Kachin State face food shortages.<sup>141</sup> The U.N. called for an immediate cessation of hostilities,<sup>142</sup> and the Kachin Independence Organization (KIO) ordered the KIA not to fire at Government troops.<sup>143</sup> Despite the KIO order, the KIA fought again with the Myanmar army on November 21 in Nantlinpa village.<sup>144</sup>

### ***C. Violence Against Muslims***

On November 17, police in Yangon arrested three Buddhist men from Rakhine State who police said planned to bomb mosques in the city.<sup>145</sup> The bombings marked a departure from the typical pattern of religious violence between Buddhists and Muslims, which has generally taken the form of communal mob violence confined within the borders of Rakhine State. The thwarted bombings came on the heels of a series of apparently unrelated bombings in Yangon and across the country in October that police said splinter elements of the Karen National Union set off.<sup>146</sup>

On November 2, three Rohingya Muslim men attacked a group of Arakanese Buddhist women with spears in Pauktaw Township in Rakhine State, in an apparent retaliation following the discovery of a Muslim man's dead body. The men stabbed and killed one woman and seriously injured another.<sup>147</sup> In a related incident, local police shot into a crowd of Rohingya gathered outside a local mosque for the funeral of the Muslim man to disperse the crowd. According to the Rakhine State Attorney General, the police injured one Rohingya in the incident, but according to a Rohingya activist, the police killed two Rohingya.<sup>148</sup>

Human rights groups charge that Rohingya people have been disproportionately punished following communal violence. According to the Associated Press, for every Buddhist convicted for recent mob violence in Rakhine State, four Rohingya are sent to prison.<sup>149</sup> Prison wardens and Buddhist prisoners reportedly beat and torture jailed Rohingya.<sup>150</sup>

1 Europa.eu Press Releases Database, November 11, 2013: [http://europa.eu/rapid/press-release\\_IP-13-1062\\_en.htm](http://europa.eu/rapid/press-release_IP-13-1062_en.htm)  
2 *Id.*  
3 Mizzima, November 16, 2013: <http://www.mizzima.com/mizzima-news/myanmar/item/10581-myanmar-eu-sign-package-of-accords-on-cooperation>  
4 Europa.eu Press Releases Database, November 11, 2013: [http://europa.eu/rapid/press-release\\_IP-13-1062\\_en.htm](http://europa.eu/rapid/press-release_IP-13-1062_en.htm)  
5 European Voice, November 21, 2013: <http://www.europeanvoice.com/article/imported/90m-a-year-support-for-myanmar/78780.aspx>  
6 Human Rights Watch, November 15, 2013: <http://www.hrw.org/node/120319>  
7 *Id.*  
8 *Id.*  
9 *Id.*  
10 The Sydney Morning Herald, November 27, 2013: <http://www.smh.com.au/nsw/myanmar-democracy-leader-aung-san-suu-kyi-speaks-to-a-packed-sydney-opera-house-20131127-2yamn.html>  
11 The Sydney Morning Herald, November 27, 2013: <http://www.smh.com.au/nsw/myanmar-democracy-leader-aung-san-suu-kyi-speaks-to-a-packed-sydney-opera-house-20131127-2yamn.html>  
12 Irrawaddy, November 26, 2013: <http://www.irrawaddy.org/commentary/suu-kyi-fighting-losing-battle.html>.  
13 The Global Times, November 26, 2013: <http://www.globaltimes.cn/content/827707.shtml>  
14 *Id.*  
15 The Irrawaddy, October 30, 2013: <http://www.irrawaddy.org/eu/eu-offers-send-monitors-burmas-2015-election.html>  
16 *Id.*  
17 *Id.*  
18 Eleven Myanmar, November 24, 2013: <http://elevenmyanmar.com/politics/4189-myanmar-to-hold-general-election-late-2015>  
19 *Id.*  
20 *Id.*  
21 *Id.*  
22 Democratic Voice of Burma, November 5, 2013: <http://www.dvb.no/news/burmas-lower-house-passes-media-bill-burma-myanmar/34138>  
23 *Id.*  
24 Karen News, November 23, 2013: <http://karennews.org/2013/11/ifj-calls-for-journalists-inclusion-in-burmas-media-reform.html/>  
25 Australia Network News, November 20, 2013: <http://www.abc.net.au/news/2013-11-20/an-myanmar27s-changing-media-landscape/5106012>  
26 *Id.*  
27 New York Times, November 26, 2013: [http://www.nytimes.com/2013/11/26/business/international/in-myanmar-newly-free-media-struggle-to-profit.html?\\_r=0](http://www.nytimes.com/2013/11/26/business/international/in-myanmar-newly-free-media-struggle-to-profit.html?_r=0).  
28 *Id.*  
29 Irrawaddy, October 31, 2013: <http://www.irrawaddy.org/media/reforms-ethnic-media-emerge-burma-challenges-remain.html>  
30 Mizzima, November 25: <http://www.mizzima.com/mizzima-news/myanmar/item/10650-anti-corruption-commission-to-be-proposed-to-parliament>  
31  
32 Mizzima, November 21, 2013: <http://www.mizzima.com/mizzima-news/myanmar/item/10625-rule-of-law-committee-to-inspect-police-chiefs-administrative-departments>  
33 *Id.*  
34 The Jakarta Post, November 15, 2013: <http://www.thejakartapost.com/news/2013/11/15/regional-anti-corruption-meeting-kicks.html>  
35 *Id.*  
36 *Id.*  
37 Democratic Voice of Burma, December 2, 2013: <http://www.dvb.no/news/six-activists-convicted-under-article-18-burma-myanmar/34855>  
38 *Id.*  
39 *Id.*  
40 Mizzima, November 30, 2013: <http://www.mizzima.com/mizzima-news/myanmar/item/10684-eu-supports-police-reform-in-myanmar>

41 *Id.*  
42 *Id.*  
43 BBC, November 15, 2013: <http://www.bbc.co.uk/news/world-asia-24955227>  
44 Human Rights Watch, November 15, 2013:  
<http://www.hrw.org/news/2013/11/15/dispatches-political-prisoner-endgame-burma>  
45 *Id.*  
46 Democratic Voice of Burma, November 28, 2013:  
<http://www.dvb.no/news/political-prisoners-committee-recommends-82-more-releases-burma-myanmar/34643>  
47 Human Rights Watch, November 15, 2013:  
<http://www.hrw.org/news/2013/11/15/dispatches-political-prisoner-endgame-burma>  
48 Myanmar Times, November 3, 2013: <http://www.mmtimes.com/index.php/business/8654-myanmar-among-hardest-places-to-do-business-says-world-bank.html>.  
49 Eleven Myanmar, October 31, 2013: <http://elevenmyanmar.com/business/3911-myanmar-debuts-in-world-bank-s-business-report> and Reuters, November 6, 2013:  
50 *Id.*  
51 *Id.*  
52 *Id.*  
53 *Id.*  
54 *Id.*  
55 *Id.*  
56 *Id.*  
57 Oxford Business Group, Myanmar, November 25, 2013:  
[http://www.oxfordbusinessgroup.com/economic\\_updates/myanmar-moves-bring-finances-out-shadows](http://www.oxfordbusinessgroup.com/economic_updates/myanmar-moves-bring-finances-out-shadows).  
58 *Id.*  
59 *Id.*  
60 *Id.*  
61 *Id.*  
62 Reuters, November 6, 2013: <http://in.reuters.com/article/2013/11/06/myanmar-economy-idINL3N0IR38420131106>.  
63 *Id.*  
64 *Id.*  
65 *Id.*  
66 *Id.*  
67 *Id.*  
68 *Id.*  
69 *Id.*  
70 *Id.*  
71 International Business Times, November 21, 2013: <http://www.ibtimes.com/myanmar-upgrade-30-airports-help-domestic-foreign-private-investors-1480282>.  
72 *Id.*  
73 Reuters, November 19, 2013: <http://www.reuters.com/article/2013/11/19/us-myanmar-aviation-idUSBRE9AI0IA20131119>.  
74 *Id.*  
75 *Id.*  
76 *Id.*  
77 *Id.*  
78 Eleven Myanmar, November 13, 2013: <http://www.elevenmyanmar.com/national/4044-myanmar-to-invite-tenders-for-upgrading-yangon-central-railway-station>.  
79 *Id.*  
80 *Id.*  
81 *Id.*  
82 International Business Times, November 14, 2013: <http://www.ibtimes.com/myanmars-energy-sector-poised-boom-international-partners-required-1470870>.  
83 *Id.*  
84 *Id.*  
85 Platts, November 28, 2013: <http://www.platts.com/latest-news/oil/singapore/myanmars-aiden-offshore-licensing-round-receives-27681178>.

- 86 *Id.*
- 87 *Id.*
- 88 The Wall Street Journal, November 5, 2013: <http://blogs.wsj.com/japanrealtime/2013/11/05/moving-forward-in-myanmar-in-fits-and-starts/>.
- 89 *Id.*
- 90 *Id.*
- 91 *Id.*
- 92 *Id.*
- 93 *Id.*
- 94 *Id.*
- 95 Reuters, November 21, 2013: <http://reuters.com/article/2013/11/21/myanmar-dawei-idUSL4N0J61AN20131121>.
- 96 Chicago Tribune, November 19, 2013: <http://www.chicagotribune.com/news/sns-rt-us-myanmar-industry-20131119,0,7713830.story>.
- 97 *Id.*
- 98 The Nation, November 4, 2013: <http://www.nationmultimedia.com/business/AMCHAM-launches-Myanmar-chapter-30218620.html>.
- 99 *Id.*
- 100 *Id.*
- 101 *Id.*
- 102 *Id.*
- 103 *Id.*
- 104 Mizzima, November 20, 2013: <http://www.mizzima.com/mizzima-news/myanmar/item/10615-land-grabbing-investigations-commenced>
- 105 *Id.*
- 106 *Id.*
- 107 Myanmar Times, November 18, 2013: <http://www.mmtimes.com/index.php/national-news/mandalay-upper-myanmar/8810-farmers-seek-return-of-land-taken-for-military-facility.html>
- 108 *Id.*
- 109 *Id.*
- 110 *Id.*
- 111 The Irrawaddy, November 13, 2013: <http://www.irrawaddy.org/human-rights/dawei-residents-decry-arrival-companies-following-ceasefire.html>
- 112 *Id.*
- 113 *Id.*
- 114 *Id.*
- 115 Radio Free Asia, November 15, 2013: <http://www.rfa.org/english/news/myanmar/mine-11152013160128.html>
- 116 *Id.*
- 117 Mizzima, November 15, 2013: <http://www.mizzima.com/mizzima-news/myanmar/item/10575-police-protesters-hurt-in-clash-near-letpadaung-mine>
- 118 *Id.*
- 119 The Irrawaddy, November 12, 2013: <http://www.irrawaddy.org/mining/tensions-high-letpadaung-mine-police-gather-protest-camps.html>
- 120 *Id.*
- 121 Radio Free Asia, November 20, 2013: <http://www.rfa.org/english/news/myanmar/ko-htin-kyaw-11202013170429.html>
- 122 *Id.*
- 123 The Irrawaddy, November 5, 2013: [http://www.irrawaddy.org/z\\_border/myitkyina-talks-show-obstacles-path-peace-process.html](http://www.irrawaddy.org/z_border/myitkyina-talks-show-obstacles-path-peace-process.html).
- 124 Eleven Myanmar, November 27, 2013: <http://elevenmyanmar.com/politics/4235-ceasefire-breakthrough-still-possible-in-hpa-an-unfc>.
- 125 The Irrawaddy, November 19, 2013: [http://www.irrawaddy.org/z\\_mon/mon-group-rejects-unacceptable-govt-ceasefire-proposal.html](http://www.irrawaddy.org/z_mon/mon-group-rejects-unacceptable-govt-ceasefire-proposal.html); The Irrawaddy, November 13, 2013: <http://www.irrawaddy.org/ethnic/tnla-rebels-reject-govt-ceasefire-proposal-clash-burma-army.html>; The Irrawaddy, November 22, 2013: <http://www.irrawaddy.org/politics/peace-talks-turn-future-federal-army-structure.html>.

126 The Irrawaddy, November 13, 2013: <http://www.irrawaddy.org/ethnic/tnla-rebels-reject-govt-ceasefire-proposal-clash-burma-army.html>

127 The Irrawaddy, November 5, 2013: [http://www.irrawaddy.org/z\\_border/myitkyina-talks-show-obstacles-path-peace-process.html](http://www.irrawaddy.org/z_border/myitkyina-talks-show-obstacles-path-peace-process.html); The Irrawaddy, November 28, 2013: <http://www.irrawaddy.org/burma/govt-armed-rebels-look-headed-clash-federal-army-issue.html>.

128 The Irrawaddy, November 22, 2013: <http://www.irrawaddy.org/politics/peace-talks-turn-future-federal-army-structure.html>.

129 *Id.*

130 Radio Free Asia, November 18, 2013: <http://www.rfa.org/english/news/myanmar/flee-11182013164826.html>.

131 Eleven Myanmar, November 27, 2013: <http://elevenmyanmar.com/politics/4235-ceasefire-breakthrough-still-possible-in-hpa-an-unfc>; The Irrawaddy, December 2, 2013: <http://www.irrawaddy.org/burma/holidays-likely-delay-burma-ceasefire-talks.html>.

132 Eleven Myanmar, November 28, 2013: <http://elevenmyanmar.com/national/4240-cars-for-peace-deals-used-to-pave-ceasefire-signing>.

133 The Irrawaddy, November 13, 2013: <http://www.irrawaddy.org/human-rights/dawei-residents-decry-arrival-companies-following-ceasefire.html>.

134 Eleven Myanmar, November 10, 2013: <http://elevenmyanmar.com/national/4012-eight-year-old-killed-in-myanmar-s-kirmishes-after-peace-talks>.

135 The Irrawaddy, November 18, 2013: <http://www.irrawaddy.org/conflict/govt-troops-continue-clash-kia-southern-kachin.html>; Eleven Myanmar, November 19, 2013: <http://elevenmyanmar.com/national/4139-renewed-clashes-between-govt-kia-prompt-mass-exodus-from-refugee-camp>.

136 The Irrawaddy, November 21, 2013: [http://www.irrawaddy.org/z\\_kachin/kachin-clashes-leave-idps-cold.html](http://www.irrawaddy.org/z_kachin/kachin-clashes-leave-idps-cold.html).

137 *Id.*

138 Radio Free Asia, November 18, 2013: <http://www.rfa.org/english/news/myanmar/flee-11182013164826.html>.

139 The Irrawaddy, November 18, 2013: <http://www.irrawaddy.org/conflict/govt-troops-continue-clash-kia-southern-kachin.html>; Eleven Myanmar, November 19, 2013: <http://elevenmyanmar.com/national/4139-renewed-clashes-between-govt-kia-prompt-mass-exodus-from-refugee-camp>.

140 The Irrawaddy, November 21, 2013: [http://www.irrawaddy.org/z\\_kachin/kachin-clashes-leave-idps-cold.html](http://www.irrawaddy.org/z_kachin/kachin-clashes-leave-idps-cold.html).

141 Eleven Myanmar, November 25, 2013: <http://elevenmyanmar.com/national/4208-ongoing-kachin-clashes-leave-3-000-without-food>.

142 Radio Free Asia, November 18, 2013: <http://www.rfa.org/english/news/myanmar/flee-11182013164826.html>.

143 Eleven Myanmar, November 22, 2013: <http://elevenmyanmar.com/national/4178-fighting-erupts-again-despite-kio-order-for-troops-not-to-respond>.

144 *Id.*

145 The Irrawaddy, November 20, 2013: [http://www.irrawaddy.org/z\\_rangoon/three-arrested-attempt-bomb-rangoons-religious-buildings.html](http://www.irrawaddy.org/z_rangoon/three-arrested-attempt-bomb-rangoons-religious-buildings.html); Eleven Myanmar, November 17, 2013: <http://elevenmyanmar.com/national/crime/4097-two-men-arrested-for-possession-of-explosive-devices-in-yangon>.

146 New York Times, October 18, 2013: [http://www.nytimes.com/2013/10/19/world/asia/myanmar-police-have-theory-for-blasts.html?\\_r=0](http://www.nytimes.com/2013/10/19/world/asia/myanmar-police-have-theory-for-blasts.html?_r=0).

147 The Irrawaddy, November 4, 2013: [http://www.irrawaddy.org/z\\_arakan/violence-flares-arakan-state.html](http://www.irrawaddy.org/z_arakan/violence-flares-arakan-state.html).

148 *Id.*

149 The Irrawaddy, November 25, 2013: <http://www.irrawaddy.org/rohingya/mob-rohingya-burmas-response-ruthless.html>.

150 *Id.*