## STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## **OCTOBER 2013 REPORT**

**Summary.** This report reviews the October 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.

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### I. <u>International Community, Economy, Sanctions</u>

In October, Aung San Suu Kyi urged the European Union and world leaders to take action and pressure Myanmar government to amend its constitution in order to promote the country's democracy and bring an end to ethnic conflict.¹ Aung San Suu Kyi argued that without changes to the constitution, which currently prevents her from running for the presidency—a post that is selected by the country's parliament and will next be chosen after parliamentary elections in 2015—the country's government will be unable to complete its reform process.² She stated that "[u]nless this constitution is amended we have to take it that the present administration has no interest in reforming further."³ Under the current constitution, 75% of parliament must vote to authorize constitutional change (followed by a nation-wide referendum), while 25% of the parliamentary seats are reserved for the military.⁴ One provision of the Constitution prevents Aung San Suu Kyi from running because her sons have British citizenship. Prime Minister of the United Kingdom David Cameron noted that he backed efforts to amend the Myanmar constitution and said he was one of Aung San Suu Kyi's "greatest admirers" and pledged to build international pressure for the constitutional changes.⁵

A ceremony was held in October celebrating Myanmar's upcoming chairmanship of the Association of Southeast Asian Nations ("ASEAN"). U.N. Secretary General Ban Ki-moon has noted that the chairmanship would be a "good opportunity" for Myanmar to build on its socio-economic progress and democratic transition. However, the country may struggle to cope with assuming the expected demands of the chairmanship because of a lack of appropriately skilled employees and the availability of infrastructure to support various ASEAN meetings. Some members of international civil society have questioned the appropriateness of Myanmar leading an organization which is involved in the protection of human rights. For instance, Phil Robertson, Deputy Director, Asia Division of Human Rights Watch, stated that "Burma can't even get its own human rights house in order, how can it be expected to lead regionally on human rights?" The Myanmar government, however, expressed confidence in its ability to complete a successful chairmanship, with Presidential Advisor Nay Zin Lat noting that "preparations are being made accordingly" to host the 1,100 meetings that come with the chairmanship; similarly, Foreign Minister Wunna Maung Lwin noted that "[i]t will not be a struggle for us."

In October, the United Nations' human rights envoy, Tomás Ojea Quintana presented to the General Assembly the final report of his six year term as a special rapporteur on the human rights situation in Myanmar. Quintana urged the Myanmar government to do more to stem ethnic violence against the Rohingya and other minority communities, which has claimed almost 250 lives since last year. His report noted "credible" allegations of state complicity in the violence. Quintana cautioned that the situation in Rakhine State is feeding a wider anti-Muslim narrative in the country which threatens the ongoing reform process aimed at a more open and broad-based democracy. The report came on the same day that Aung San Suu Kyi denied "ethnic cleansing" was occurring in Myanmar and that there was fear on the Buddhist side as well.

Myanmar also came under some international pressure from international civil society in October to ratify the Chemical Weapons Convention. Human Rights Watch stated that ratifying the treaty, which Myanmar signed in 1993, is a test of the country's commitment to reform. <sup>14</sup> In September, Myanmar signed an additional protocol which will give the International Atomic Energy Agency wider access to facilities that could be used to develop nuclear technology. <sup>15</sup>

### II. <u>Civil and Political Rights</u>

## A. Election-Related Laws and Acts

Myanmar's Constitution Review Joint Committee invited advice and suggestions on October 3 for the amendment of the 2008 Constitution. The deadline for submission is November 15. Opposition party leader Aung San Suu Kyi has been calling for amendment to the constitution as it prevents her from running for president in the 2015 elections as currently drafted. The constitution excludes anyone whose spouses or children are foreign nationals from holding the post of president, Aung San Suu Kyi's two sons are British nationals through their father, the late scholar Michael Aris. The procedures to amend the 2008 Constitution is so difficult however that Aung San Suu Kyi has called it "the world's most difficult Constitution to amend." To 5% of votes in the national parliament and 50% at a national referendum are required to amend it and currently 75% of the parliamentary seats are held by the military with 25 percent of the seats coming from a guaranteed allocation to the military.

A positive development followed later in the month with Myanmar Election Commission approving the registration of the Kachin State Democracy Party (KSDP) led by Dr. Manam Tu Ja. <sup>21</sup> The approval came years after the leader's party was denied registration ahead of the November 2010 elections. <sup>22</sup> The senior Kachin leader commented that the ability of the KDSP to contest in Myanmar's next national elections offers the ethnic Kachin people an opportunity to vote for candidates that represent their interests. <sup>23</sup>

### B. Press and Media Laws / Censorship

According to the draft, a 13-member broadcasting authority that includes five union ministers, of which two are serving military officers, would set nationwide policies for the industry and a national broadcasting council with members nominated by the president and two parliamentary speakers would issue rules and regulations, a code of conduct, orders and directives.<sup>24</sup> "In terms of media freedom, we will have to wait and look at what is issued by the national broadcast council. But the policy forming an authoritative body of union ministers above the national broadcasting council is not satisfactory," a member of the Interim Press Council said.<sup>25</sup>

While detailed rules and regulations are yet to be released, punishments for breaches of the rules include a temporary suspension of the specific program, limits on broadcast time, a fine up to 50 million Kyats and, in extreme cases, the termination of a broadcasting licence.<sup>26</sup> Journalists have responded that they will lobby for the penalties to be watered down as the draft is too restrictive in their view.<sup>27</sup>

The draft law also prohibits private commercial broadcasters from simultaneously owning print and broadcast media businesses or more than one broadcaster in a single market.<sup>28</sup> The draft does allow government bodies to run broadcasting businesses free of licence fees and is unclear on whether the single market provision applies to state bodies.<sup>29</sup> The government currently operates several daily newspapers and broadcasting channels.<sup>30</sup>

## C. Official Corruption

A Rakhin State high court judge resigned this month after investigations by the Rakhine State Parliament started on charges of power abuse and bribery.<sup>31</sup> Judge Si Si was accused of protecting a woman who had been charged with rice trade fraud and embezzlement by over 90 residents.<sup>32</sup> The case was dismissed, however, and the residents accused Judge Si Si of accepting bribes from the defendant.<sup>33</sup> Despite the pledge to end corruption and the promise for good governance, Thein Sein's government has allowed senior officials accused of bribery to resign instead of taking action.<sup>34</sup> Three former employees of the state-run New Light of Myanmar were also accused of stealing almost US\$300,000 and charged with misappropriating the paper's income.<sup>35</sup>

The practice of "respect paying" that originated from the Buddhist custom of young people paying respect to their elders during Thadingyut by offering them fruits and other gifts have led some to engage in a troubling form of the practice, effectively bribing government officials in high places with expensive gifts for better professional opportunities.<sup>36</sup> This year during Thadingyut, which was marked on October 19, gifts were nowhere to be seen on the premises of the divisional offices in Yangon after a ban on the gift giving practice was enforced.<sup>37</sup> An administrative officer questioned the effectiveness of the ban, however, with the comment: "what if they send them directly to the houses?" Given that Myanmar was ranked 172 in the Corruption Perceptions Index, which measures the perceived public section corruption in 176 countries, this practice could arguably just be the tip of the iceberg.

## III. Political Prisoners

On October 8, Myanmar released fifty-six political prisoners.<sup>38</sup> The discharge, pursuant to a presidential amnesty, follows President Thein Sein's pledge to free all political detainees before the end of the year.<sup>39</sup> However, human rights activists were quick to point to the October ASEAN meetings as the motive for the release, noting that "Myanmar has a history of announcing prisoner releases just before high-profile foreign meetings in order to buy goodwill and blunt foreign criticism."<sup>40</sup> Phil Robertson, Deputy Director, Asia Division of Human Rights Watch, stated it was "entirely within the pattern to parse these political prisoners out as bargaining chips when they want to improve their international image," and commenters pointed to the situations with the Rohingya and other minorities in Myanmar.<sup>41</sup>

Many of the prisoners released came from the Kachin Independence Army, and the releases were followed by talks with the Kachin Independence Organization in Myitkyina, the

capital of Kachin state, aimed at achieving a national ceasefire by the end of the year. <sup>42</sup> Other prisoners released were dozens from the Shan State Army and the Restoration Council of Shan State. <sup>43</sup> The Shan State Army, too, currently maintains a ceasefire treaty with the country's armed forces. <sup>44</sup> Myint Win Maung, a representative of the League of Political Prisoners said, "releasing these prisoners will help the national ceasefire process be more effective and set the talks on a positive tone."

There has been a substantial fall in the number of political prisoners from the more than 2,000 in captivity a few years ago. Still, according to Bo Kyi of the Assistance Association of Political Prisoners ("AAPP"), "the AAPP's research had found Myanmar was still holding 133 political detainees and 232 activists were awaiting trial. He stated: "We have asked the president for the unconditional release of all remaining political prisoners. I just don't know why he released only 56 today."

# IV. <u>Economic Development</u>

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

Myanmar's goal of launching its own stock market may be hindered by a lack of human resources, among other factors. <sup>49</sup> Maung Maung Thein, Deputy Minister for Finance and Revenue, cited a need for skilled employees and advanced training, among other potential obstacles. <sup>50</sup> The Executive Director of Myanmar Securities Exchange Centre Co, Ltd., Soe Thein, noted that only about five companies at present meet the criteria for listing on the exchange, while at least 80 would be needed for the exchange to run. <sup>51</sup> The managing director of the Myanmar Securities Exchange Centre, Shigeto Inami, put the figure at a slightly more optimistic eight companies. <sup>52</sup> Soe Thein advised public companies to be more transparent, expressing concern about public companies' outdated auditing practices and the chronic under-enforcement against illegal activity. <sup>53</sup> Tatsuo Murao, founder of CAST Consulting, pointed to a lack of human resources familiar with international standards of transparency. <sup>54</sup> The Security Exchange Law was approved on July 31, 2013, with by-laws yet to be passed. <sup>55</sup> Myanmar is aiming to establish the country's first stock exchange in 2015. <sup>56</sup>

Meanwhile, a number of new laws and regulations are being drafted with the goal of encouraging outside investment while at the same time balancing incentives relative to domestic investment. Deputy Minister of National Planning and Economic Development and vice governor of the Myanmar Central Bank, Set Aung, announced the recent amendment of the Foreign Investment Law and the promulgation of rules and regulations for the law, the effect of which, he said, was to improve the law's transparency. He also said that the Citizen Investment Law, for which rules and regulations are still pending, and a new Special Economic Zone Law anticipated to come out soon were intended to provide a "level playing field" for foreign, domestic and public investment.

On the domestic side, the Small and Medium Size Promotion Law has been drafted and is awaiting approval by parliament.<sup>59</sup> Foreign investors, meanwhile, may benefit from a reduction in discretionary powers afforded the Myanmar Investment Commission ("MIC"), although there

is disagreement whether such a reduction will occur. <sup>60</sup> The Deputy Minister of National Planning and Economic Development, Khin San Yee, said that the Organization for Economic Co-operation and Development, which screens potential foreign investors, would have reduced discretion due to a simplified screening process for foreign investors, among other administrative changes. <sup>61</sup> However, the director of the Directorate of Company Administration, Tin Aye Han, said no such reduction was being indicated. <sup>62</sup> The National League for Democracy supports reining in the MIC. <sup>63</sup>

The Ministry of Mines submitted a new mining law draft to parliament on October 1, which could become law as early as March of next year if the parliament approves it within three months, as director at the ministry Aung Thuyein Win hopes. <sup>64</sup> The new law, which was drafted with international standards in mind, would be a significant update to the 1994 Mining Law, according to chairman of the Mining and Resources Affairs Committee U Nay Win Tun. <sup>65</sup> Under the 1994 law, the Ministry of Mines is entitled to a portion of minerals extracted, as well as taxes and royalties. <sup>66</sup> Mineral extraction remains a contentious issue, with police relating a string of bombings this month to an attempt by local businessmen to discourage foreign investors. <sup>67</sup>

Parliament passed a new telecommunications law on October 12, although the regulations which are expected to provide more detailed guidance will likely not be available for another three months.<sup>68</sup> Norway's Telenor and Qatar's Ooredoo are still waiting receive licenses to offer mobile service after becoming the first private firms to be awarded them in June.<sup>69</sup> SIM cards are presently hard to come by, with black market cards fetching up to \$200, or about 100 times the cost of cards bought in neighboring countries.<sup>70</sup> The number of mobile phone users increased to 5.55 million, although this is still only one-tenth of the country's population.<sup>71</sup>

# B. Developments in Foreign Investment and Economic Development Projects

As of the end of September 2013, Myanmar has approved nearly \$44 billion of foreign investment since 1988. According to figures Mizzima obtained from the Myanmar Investment Commission, Chinese companies accounted for 32 percent of this amount, and also led in terms of actual investment, with \$14.12 billion. China has primarily invested in hydropower dams, mining projects and the oil and gas pipeline that is now in operation. After China, Thailand is the biggest approved investor in Myanmar with \$9.98 billion. But in the past five years, Thailand has led foreign investment in Myanmar with a value of \$5.97 billion, followed by Singapore and Hong Kong. Most Thai investment goes to mining, oil drilling, fishery, seafood, retail and wholesale. Other top investors in Myanmar are Britain, South Korea and Malaysia.

The sector in which most foreign investment has been approved during the 1988-September 2013 time period is electricity, at more than \$19 billion, or nearly 44 percent of the total. But according to Myanmar's Ministry of Energy, oil and gas leads in terms of actual foreign investment made, accounting for over \$14 billion (Ks 13.59 trillion), and 18 inland plots have already been approved for 10 foreign countries. <sup>79</sup> Among the ten approved countries, India, Italy, Pakistan, British Virgin Islands, Malaysia and Canada will each invest in two plots. <sup>80</sup>

To encourage the flow of foreign investment into the country, Myanmar is working toward creating a more favorable legal environment for such investment. At the Myanmar Global Investment Forum in Nay Pyi Daw in September, Set Aung, Deputy Minister of National

Planning and Economic Development and Vice Governor of the Myanmar Central Bank, indicated that Myanmar's "special economic zone laws" were considered unattractive in inducing foreign and domestic investment to come to a special economic zone. <sup>81</sup> The laws have been significantly revised and are expected to be approved by parliament fairly soon. <sup>82</sup> The revisions are meant to increase the ease with which foreign entities can make investments in Myanmar.

Myanmar continues to be a volatile and dangerous place for investors, however, as there are antagonistic forces willing to use deadly means to oppose measures meant to encourage foreign investors -- the six bomb explosions that occurred in five different cities in early-mid October were carried out in an effort to deter foreign investment, according to Zaw Win, Myanmar's police chief. These explosions, which occurred in Yangon, Mandalay, Taungoo, Sagaing and Nankhan, were part of a campaign to scare off the overseas investments that had been flowing rapidly into the country. According to reports, one suspect, a former member of the Karen National Union, was paid by a group of Karen businessmen to carry out the blasts.

Nonetheless, Thai investors, led by the Board of Investment of Thailand ("BOI"), are scheduled to visit Myanmar in late November 2013 to observe Myanmar's economic conditions and meet with Myanmar entrepreneurs. The investors will travel to Shan State, which has an abundant supply of the produce used as raw materials for processed agricultural products. Ms. Rattanawimol Nari Sukrikhet, Director of the Regional Investment and Economic Center 3 of the BOI Khon Kaen, said the Thai group would meet with Myanmar's major producers of commodities to create a business network. The BOI will also lead the Thai businesspeople to inspect the progress of the Thilawa special economic zone and its port construction (discussed below). According to Ms. Rattanawimol, the BOI is hoping that Thai businesses will invest in Thilawa and use the port to distribute their products.

Thai businesses already investing in Myanmar include Green Earth Power Co Ltd of Thailand, which is currently working in cooperation with the Myanmar electric power authorities on a project in the Minbu District to generate electricity through solar power. According to the New Light of Myanmar, under a memorandum of understanding signed between Myanmar's Ministry of Electric Power and the Thai company, the plant is expected to go into operation by 2015-16 and will be capable of generating 50 megawatts (mw) of electricity. The Asia Development Bank and the World Bank are providing technical assistance. Arrangements are also underway by ACO Co., to build a solar power plant with a generating capacity of 250 mw in Nabu-aing of Mingyan district of Magway. The project is also expected to be completed by 2015-16.

Japanese investment in Myanmar also continues apace. Three of Japan's biggest trading houses have agreed to form a venture with Myanmar to build an industrial hub in the commercial capital of Yangon within two years. The hub, called Thilawa, will be 49 percent owned by Mitsubishi Corp., Sumitomo Corp. and Marubeni Corp. Myanmar's government and local enterprises will own the rest of the venture. It is estimated that the partners will spend about 17 billion yen (\$174 million) on power, water and transport infrastructure at the site. Thilawa hub will initially occupy 400 hectares (988 acres) and will be able to house 50-100 manufacturing firms. At a briefing in Tokyo, Kabeya stated that the Thilawa project "has a

very high potential both to supply domestic demand for auto and construction materials and to set up production for export to Japan, China and other nations in Asia." According to Tomoya Sato, a director at the Trade and Economic Cooperation Bureau of Japan's Ministry of Industry, a feasibility study on a further 2,000 hectares of space at the site is ongoing. Sato also noted that Myanmar has inquired about Japanese participation in other industrial projects in the nation. 96

October also brought announcements on investments made in air, water and land travel infrastructure within and around Myanmar. On October 23, 2013, Anand Sharma, Commerce and Industry Minister for India, announced that a proposed highway running from Moreh in Manipur through Myanmar to Mae Sot in Thailand is expected to be operational soon. The highway represents a significant step in establishing connectivity between India, Myanmar and other South East Asian countries. Sharma also said that India is working to develop the Kaladan Multi-Modal Transit Transport Project, which will connect the eastern Indian seaport of Kolkata with Sittwe port in Myanmar by sea and link Sittwe to Mizoram via river and road transport. Sharma said the project and the transport corridor will connect Cambodia, Laos, Vietnam and Myanmar with the North-Eastern part of India.

In the air travel sector, projects are underway or in planning to build and/or upgrade several Myanmar airports. A \$150 million upgrade to 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 U.S.-sanctioned son of the late drug kingpin—turned tycoon Lo Hsing Han. In addition, a Japanese consortium has been charged with revamping Mandalay's airport, seen as a future logistics hub. The biggest project underway, however, is a plan to build a new \$1.5 billion airport for Yangon at Hanthawaddy, northeast of the city. This project was awarded to a consortium headed by South Korea's state-run Incheon International Airport Corp. According to Win Swe Tun, Deputy Director of Myanmar's Department of Civil Aviation, the new airport is expected to be able to handle 12 million passengers a year when it opens in 2018, and 30 million by 2030. 103

On October 26, 2013, a partnership was formalized between the Pan Pacific Hotels Group, a subsidiary of Singapore-listed UOL Group Limited, an established Asian hotel and property company, the Shwe Taung Group, one of Myanmar's leading corporations in real estate and infrastructure development, and City Square Pte Ltd of India. The companies have formed a conditional joint venture to open Myanmar's first "Pan Pacific" hotel, to be known as Pan Pacific Yangon. The joint venture will be on a 20-20-60 shareholding basis, with the Shwe Taung Group holding 60 percent. The Pan Pacific Yangon will be a 348-room hotel that is part of a mixed-use development that also comprises serviced apartments, retail and office spaces. It will be strategically located along Shwedagon Pagoda Road and Bogyoke Aung San Road in the heart of Yangon city center, and opposite Bogyoke Aung San market, a key tourist attraction. The Pan Pacific Hotels Group is also exploring opportunities in Naypyidaw, the host city for the 27th Southeast Asian Games this December and the 2014 ASEAN Summit.

#### C. Land Seizures

In response to ongoing disputes over land seizures throughout Myanmar, Vice President U Nyan Tun announced his goal of settling all complaints of seized land within one year. <sup>109</sup> The Seized Land Investigation Commission has reportedly received 745 complaints regarding seized

land, with 565 of those complaints concerning land seized by the military. <sup>110</sup> In overseeing the settlement of land seizure claims, Vice President U Nyan Tun will lead the recently formed Land Utilization Management Central Committee, which is comprised of Chief Ministers from each state and region. <sup>111</sup>

Meanwhile, both military and civilian authorities have continued to confiscate land and punish those who protest the takings. Residents of Sar Lin Gvi Township, Sagaing Region, staged at least seven protests this October to fight the appropriation of their lands by the Latpadaung copper mine project. Local residents reported the mine's security force of over three hundred guards shot protestors with slingshots. On October 27, 2013, local authorities led a team of nearly 200 workers to fence off 14 acres of rice paddies in the Sanchi quarter of western Dawei Township. The confiscation evicted more than 20 people working and living in the area, and prevented farmers from accessing their rice fields when the season's rice was ready for harvest. Local residents were told that the seized land had been officially designated as government property since the 1990s, and that any assembly of more than five farmers would be punished. As compensation for the takings, authorities offered plots of land measuring 40 feet by 60 feet for every three acres of seized land. However, this token compensation offer would leave landowners with less than 2% of their original square footage, and would relocate residents to what some claimed to be less fertile and less convenient plots.

Even in the face of continued land seizures, however, residents continue to seek solutions through the political process. On October 24, 2013, locals in the Kengtung Township formed a 20-member committee to gather signatures for a petition protesting the construction of a coal-fired power plant by Thailand-based Lumpoon Dun Co. Ltd. <sup>119</sup> The construction would evict residents of five villages that lie in the proposed project site. <sup>120</sup>

On October 9, 2013, the Human Rights Foundation of Monland – Burma ("HURFOM") released an extensive report documenting the experiences of Mon farmers who have fallen victim to unjust land confiscation. The report concludes that there remain numerous obstacles impeding the fight against land seizures in Myanmar, including weak law and policy in the area of land rights, the government's failure to recognize customary ownership practices, and insufficient support from leaders within government for farmers' rights. 122

#### V. Ethnic Violence

#### A. Terrorism

Myanmar was rocked by at least nine bomb blasts in the cities of Yangon and Mandalay and other areas across the country in October. The explosions left three people dead and 10 injured. An American tourist was among the injured when her room in a luxury hotel in Yangon was bombed. The government blamed splinter elements of the Karen National Union ethnic rebel group for the blasts. Police arrested eight suspects and claim mining businessmen tied to the Karen group plotted the bombs in an attempt to scare away foreign investors. The businessmen allegedly promised one of the suspects a gold mine permit to carry out the attacks. The Karen National Liberation Army and Karen National Union disclaimed

responsibility.<sup>128</sup> Government officials said that the bombings will not affect the nationwide ceasefire agreement planned to be signed in November.<sup>129</sup>

#### B. Peace Talks

In late October, leaders of 18 ethnic rebel groups met for a four day Ethnic Armed Organizations Conference in Laiza, at the Kachin Independence Organization (KIO) headquarters to find a common position ahead of talks with the Myanmar government. Participating groups included members of the United Nationalities Federal Council (UNFC), an organization comprising 11 armed minority groups including the Kachin Independence Organization, Karen National Union and Karenni National Progressive Party.

At the conclusion of the conference, 17 of the 18 participating groups signed an agreement supporting the government's proposal to sign a nationwide ceasefire. <sup>131</sup> In negotiations, divisions among the rebel groups had emerged. One faction wanted to sign a ceasefire only after a political dialogue with the government has occurred, another faction wanted to sign a ceasefire upon a commitment from the government that political talks will follow, and a third was willing to sign a ceasefire with no preconditions. <sup>132</sup> Several groups, including the Arakan Liberation Party, wanted to push the government to accept a federal system that would give ethnic groups political autonomy in their respective regions of the country. <sup>133</sup> Ultimately, the agreement conditioned support of the nationwide ceasefire upon the government guaranteeing that comprehensive political dialogue will begin in early 2014. <sup>134</sup> Additionally, the agreement includes a demand that the Burmese military reduces its political powers in the government. <sup>135</sup> The military and military-backed representatives currently control the Union Parliament. <sup>136</sup>

The Restoration Council of Shan State (RCSS) attended the conference but did not sign the rebels' agreement. A spokesperson of the RCSS said the group wanted to consult with Shan political parties before signing the agreement, but expected to sign eventually. Some sources speculated that RCSS leaders did not want to sign the agreement in Laiza to avoid establishing the host Kachin as the leader among the rebel groups. During negotiations, the RCSS had submitted a draft of the ceasefire that competed with drafts by the UNFC and the Myanmar Peace Center.

The United Wa State Party (UWSP) and United Wa State Army (UWSA), together comprising the nation's largest armed ethnic rebel group, and the National Democratic Alliance Army (NDAA), another group based in Shan State near China, did not attend the Ethnic Armed Organizations Conference. A member of a predecessor Wa organization said UWSP and UWSA leaders declined an invitation because they believed the conference would not further their demands for an autonomous state. A representative of the Kachin Peace Committee Group claims that the UWSP and NDAA could not attend the conference because China did not give them permission to attend. He Wa groups have also resisted committing to sign the government's nationwide ceasefire. According to the deputy commander of the UWSA, there is only a 50-50 chance of the group signing the deal. He UWSA has an estimated 25,000 fighters, and reportedly is armed with advanced weapons including air-to-air and surface-to-air missiles. The group has been linked to opium cultivation and trafficking.

The Kachin Independence Organization (KIO) and the government held peace talks in Myitkyin, the capital of Kachin State, from October 8 to 10. The parties agreed to a seven point plan that did not include a ceasefire but promised a reduction in fighting and future dialogue. The parties are scheduled to meet again in Myitkyin on November 3 for further negotiations. The government freed 56 political prisoners at the start of the talks, 18 of which are Kachin.

The government also met with the Karenni National Progressive Party in October to urge the group to join the nationwide ceasefire. The parties spoke about political expectations, equality, ceasefire, and the way to proceed with the political dialogue.<sup>149</sup>

Some observers see roadblocks to the peace process that are being ignored in peace talks. According to Burmese environmentalist groups, the government's efforts to secure dam projects on the Salween River, which runs through the Shan, Karenni, Mon and Karen states, fuel the war with ethnic groups. <sup>150</sup> In October, government troops fought with soldiers from the Shan State Army-South in a potential flood zone. Similar clashes occurred in May with the Democratic Karen Benevolent Army at another potential flood zone. <sup>151</sup> Others warn that the government's practice of granting business licenses to the leaders of ethnic rebel groups in exchange for peace, runs the risk of turning rebel leaders into "mini cronies." <sup>152</sup> Land confiscation by or sanctioned by the government in ethnic areas is also seen as contributing to armed conflict. <sup>153</sup>

## C. Kachin

Despite recent peace talks between the government and the KIO that included a pledge to reduce fighting, there was new fighting between the government and the Kachin Independence Army (KIA), the armed wing of the KIO, in late October. Government troops reportedly entered Mung Ding Pa village in southern Kachin State on October 22 and randomly opened fire, attacking the village with small and heavy artillery<sup>154</sup> and exchanging fire with a nearby KIA checkpoint.<sup>155</sup> According to the government, the raid was intended to stop illegal logging in the town.<sup>156</sup> KIA leaders claim the government's accusations of illegal logging are a pretext to attack them.<sup>157</sup> The fighting continued through October 31 with no signs of ending.<sup>158</sup>

Alarmingly, government forces trapped more than 2,000 civilians from Mung Ding Pa and nearby villages in the conflict zone and have refused to let them leave. <sup>159</sup> Villagers who were not able to flee gathered in a church and their mobile phones were confiscated. <sup>160</sup> According to Kachin humanitarian workers, the government trapped civilians to create a "hostage situation" designed to enable government forces to use the villages as a base for attacks on the KIA and discourage the rebels from attacking them. <sup>161</sup> One civilian woman died while hiding in the church, and government troops allegedly tortured and detained the head of one of the villages. <sup>162</sup> Hundreds of civilians were able to escape and trekked through the jungle for two days before arriving at a nearby town, which houses internally displaced persons and has few resources with which to accommodate additional people. <sup>163</sup>

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

There were no new reported incidents of violence against Muslims in October following mob attacks on villages in Thandwe Township from September 29 to October 3, which resulted in the death of five Muslims, the destruction of 112 homes and the homelessness of 500 people. In the aftermath of the Thandwe riots, police detained a total of 78 people. Twenty-one of the detained suspects were Muslims, according to a villager. Six suspects have confessed to the murder of seven Muslims and 28 suspects confessed to burning houses. 165

The government faced severe international criticism following the Thandwe riots for their failure to protect Muslims from violence and counter extremist discriminatory views. Condemnation came from Tomas Ojea Quintana, the U.N. Special Rapporteur for Human Rights in Myanmar; <sup>166</sup> the International Crisis Group, a Brussels-based NGO; <sup>167</sup> Derek Mitchell, the U.S. Ambassador to Myanmar; <sup>168</sup> and UNICEF, which decried the displacement of children as a result of the riots. <sup>169</sup>

Courts sentenced two Rakhine Buddhists to prison for their roles in riots in Kyaukphyu on October 24, 2012, in which two people were killed.<sup>170</sup> The incident in Kyaukphyu was part of a wave of violence against Muslims in Rakhine State in October 2012 that left at least 84 people killed, 120 people injured and over 22,000 people displaced.<sup>171</sup>

1	Indian Express, October 21, 2013: <a href="http://www.indianexpress.com/news/suu-kyi-urges-world-to-pressure-myanmar-leaders-on-reform/1185394/">http://www.indianexpress.com/news/suu-kyi-urges-world-to-pressure-myanmar-leaders-on-reform/1185394/</a>
2	Id.
3	Id.
4	<i>Id.</i> Constitution of the Republic of the Union of Myanmar, <i>available at</i> <a href="http://www.burmalibrary.org/docs5/Myanmar">http://www.burmalibrary.org/docs5/Myanmar</a> Constitution-2008-en.pdf.
5	BBC News, October 24, 2013: http://www.bbc.co.uk/news/world-asia-24649955
6	Reuters, October 10, 2013: <a href="http://www.reuters.com/article/2013/10/10/us-asia-summit-myanmar-idUSBRE9990DV20131010">http://www.reuters.com/article/2013/10/10/us-asia-summit-myanmar-idUSBRE9990DV20131010</a>
7	Id.
8	Id.
9	Democratic Voice of Burma, October 25, 2013:
9	http://www.dvb.no/news/anti-muslim-violence-threatens-burmas-reforms-un/33861.
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