

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## APRIL/MAY 2014 REPORT

**Summary.** This report reviews the April and May 2014 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. International Community and Sanctions**

On May 15, 2014, U.S. President Obama renewed the National Emergencies Act, extending economic sanctions on Myanmar for another year. While recognizing that Myanmar has made “significant progress in a number of critical areas, including the release of over 1,100 political prisoners, progress towards a nationwide ceasefire, the legalization of unions, taking steps to improve the country’s labor standards, and allowing greater freedom of association,” Obama highlighted a number of concerns requiring the continuation of economic sanctions. Obama noted that “political opening remains nascent, and concerns persist regarding ongoing conflict and human rights abuses in ethnic minority areas, particularly in Rakhine State, and the continued role of the military in the country’s political and economic activities.”<sup>1</sup>

A spokesman for the White House National Security Council, Patrick Ventrell, stated the sanctions were extended “in order to maintain the flexibility necessary to sanction bad actors and prevent backsliding on reform even as we broadly ease sanctions.”<sup>2</sup> This extension follows the European Union’s decision in April to renew military sanctions on Myanmar for another 12 months.<sup>3</sup>

As a part of their duties as Chair of the Association of Southeast Asian Nations (“ASEAN”) for 2014, Myanmar hosted the 24<sup>th</sup> leaders’ meeting of ASEAN from May 10-11, 2014. Leaders from the 10 member countries met in Naypyitaw to discuss issues ranging from the economy to climate change. The meeting, the first top level function held as part of Myanmar’s year-long ASEAN chairmanship, was an opportunity to showcase reforms and progress the country has made in recent years.<sup>4</sup>

However, tensions between a number of member states and China, and not Myanmar’s social and political progress, were at the center of the meeting between the Southeast Asian leaders. At a time of declining Chinese investment in Myanmar, the ASEAN summit placed the country in the “extremely difficult position” of “maintaining unity within ASEAN” and allowing aggrieved nations to lobby for stronger action against China without compromising its own relationship with their northern neighbor.<sup>5</sup>

In response to recent clashes over control of the South China Sea between China and Vietnam and the Philippines respectively, Southeast Asian Foreign Ministers issued a statement at the summit expressing “serious concern.” The statement acknowledges that clashes between China and Southeast Asian countries have “increased tensions in the area” and urges all parties to “exercise self-restraint . . . and to resolve disputes by peaceful means without resorting to threat or use of force.” Although ASEAN officials praised the statement as a “strong message” on their commitment to peaceful dialogue and a show of regional unity over the issue, analysts note that the statement does not stray far from past rhetoric avoiding attributing blame and urging peaceful dialogue. China’s foreign ministry, in response, stated that “[t]he Chinese side has all along opposed individual countries attempting to use the South China Sea issue to undermine the friendship and cooperation between China and ASEAN.”<sup>6</sup>

Tensions with China were also discussed during a visit to Myanmar on May 26, 2014 by the Chief of Staff of Japan’s Self-Defense Force, General Shigeru Iwasaki. In an effort to boost defense ties between the two countries, General Iwasaki met with military leaders and President

Thein Sein. According to the Japanese Defense Ministry, General Iwasaki and Burmese leaders discussed bilateral defense cooperation and agreed on “the importance of exchanges at every level between the Self-Defense Forces and Myanmar Armed Forces.” They are also believed to have discussed Japan’s dispute with China over sovereignty of the Senkaku Islands in the East China Sea and territorial and maritime disputes in the South China Sea.<sup>7</sup>

General Iwasaki’s visit reflects Myanmar’s wider effort to boost military ties with countries in the region. On May 6, 2014, Myanmar’s Air Force Commander-In-Chief Khin Aung Myint met with Vice Chairman of China’s Central Military Commission Xu Qiliang. Vice Chairman Xu pledged to boost cooperation between the two militaries, stating “we should continue strategic communication, further practical cooperation, strengthen coordination on multilateral occasions, and work together to safeguard tranquility and stability in border areas to contribute to the development of bilateral relationship [sic].”<sup>8</sup> This meeting was followed later in May by a five-day goodwill visit to Myanmar by two Chinese naval vessels.<sup>9</sup>

Myanmar’s government also signed a border pact with India on May 8, 2014 agreeing to “share real-time intelligence” to fight Indian insurgent groups in the border region between the countries. The agreement aims to combat insurgency, arms smuggling, and human trafficking, and seeks to address what the Indian government has perceived to be unwillingness on Myanmar’s part to manage border areas.<sup>10</sup>

Tensions have flared on the Bangladesh/Myanmar border, where troops have been involved in armed clashes. On May 30<sup>th</sup>, 2014, Bangladeshi and Myanmar troops were involved in an exchange of gunfire, the cause of which is disputed. This clash follows an earlier exchange that resulted in the death of a guard in the Border Guards Bangladesh. Bangladesh has lodged a protest with Myanmar over what it called an unprovoked attack, while Myanmar places the blame on Bangladeshi violations of its sovereignty and territory. These clashes have occurred during a time of ethnic conflict in Myanmar between the Buddhist majority and the Rohingya Muslim population, whom many in Myanmar, including government officials, refer to as “Bengali” and view as illegal immigrants from Bangladesh.<sup>11</sup>

Amid rapid economic development, Myanmar has begun to address environmental issues resulting from pollution, deforestation, and increased resource extraction. In May, Myanmar expressed its commitment to these issues by signing an environmental protection agreement with the government of South Korea agreeing to carry out environmental policies preventing climate change and the degradation of biodiversity. The agreement also provides for an ongoing exchange of information regarding environmental matters between the two countries.<sup>12</sup> Myanmar also issued a letter of intent with Norway covering the preservation of biodiversity and the forests in Myanmar and water resource preservation and administration in the Sittoung and Bago river basins.<sup>13</sup>

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

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

In support of a campaign led by the National League for Democracy (“NLD”) and the 88 Generation Peace and Open Society, Aung San Suu Kyi has been speaking at various locations around Myanmar to advocate for the elimination of the military’s de facto veto on constitutional

amendments, described further below.<sup>14</sup> Her efforts have inspired rallies across the country to demonstrate public support for amending the Burmese charter, but have also drawn a stern warning from Myanmar's Union Election Commission ("UEC"). In a letter to the NLD, the UEC claimed that Suu Kyi's speeches amounted to the NLD "challenging the army," and speaking "outside of the boundaries of the Constitution."<sup>15</sup> As a member of the Burmese Parliament, Suu Kyi took an oath to "abide by and respect this Constitution and the existing laws"; the UEC claimed in its letter that Suu Kyi violated this oath because it found that her speeches "condemned the army."<sup>16</sup> In response, the NLD has denounced the UEC's warning as inappropriate, and claimed the UEC had overstepped its ability to monitor political parties in accordance with the Election Law.<sup>17</sup>

In mid-May, 2014, the UEC proposed new campaign guidelines which would curb campaign periods, restrict campaign areas, and limit representative campaigning for the upcoming 2015 elections. Among other campaign-related restrictions, the proposed rules would allow parties to campaign for a period of only 30 days before the election, and would not allow canvassing the day before the election.<sup>18</sup> In order to give a public speech, whether in a public area or through use of the media, a candidate would have to obtain permission from the UEC local branch in the township where the candidate is registered.<sup>19</sup> Anyone desiring to participate in a political campaign would be required first to register and obtain approval from the UEC.<sup>20</sup>

Opposition party leaders have condemned the proposed election laws as undemocratic, challenging the notion that candidates should not have to seek permission from the election commission to campaign, and noting that the 30-day campaign limit gives an unfair advantage to incumbent rulers.<sup>21</sup>

## **B. Press and Media Laws/Restrictions and Freedom of Association**

On May 8, 2014, Myanmar deported an Australian journalist working for the news website Democratic Voice of Burma after he covered a demonstration calling for the release of an imprisoned reporter.<sup>22</sup> While the Burmese government has claimed that the reporter was participating in the protest, the Democratic Voice of Burma has disputed these claims, and says the reporter was only covering the story.<sup>23</sup> The deportation is symptomatic of Myanmar's increased restrictions on foreign journalists in recent months. Myanmar's Ministry of Information has reduced the number of visas issued to journalists working for formerly exiled media outlets such as The Irrawaddy and Democratic Voice of Burma, and has reduced the length of stay for foreign journalists already inside the country.<sup>24</sup> Such restrictions have further raised concerns about the Burmese government backsliding on its commitment to a free press, with the Burmese media still expressing its disapproval of the vague prohibitions in the recently passed 2014 Printers and Publishers Registration Law.<sup>25</sup>

Human Rights Watch similarly expressed concerns over the state of press freedoms in Myanmar on May 3, 2014, which is celebrated as World Press Freedom Day. "International praise for expanding media freedoms in Myanmar has been undercut by arrests and intimidation of journalists," said Phil Robertson, deputy Asia director for Human Rights Watch.<sup>26</sup> The organization called for amendments to the 2012 Law Relating to Peaceful Assembly and Peaceful Procession, which imposes up to one-year sentences on any procession leader for marching

without permission from local authorities, and to the 2014 Printers and Publishers Registration Law.<sup>27</sup>

### C. Official Corruption

On May 6, 2014, a survey on Myanmar conducted by the Organization for Economic Cooperation and Development, the United Nations Economic and Social Commission for Asia and the Pacific, the Union of Myanmar Federation of Chambers of Commerce and Industry (“UMFCCI”) and the Hanns Seidel Foundation was unveiled at the UMFCCI.<sup>28</sup> The survey indicated that corruption is the top concern for businesses in Myanmar and suggested that the sweeping political and economic reforms of the last few years have had only a limited impact on corruption to date.<sup>29</sup> Last year, Myanmar’s parliament passed anti-corruption laws and then appointed an Anti-corruption Commission in February, chaired by a retired army officer, Mya Win. Win Aung, president of the UMFCCI, said he was optimistic about the government’s efforts to fight corruption but that success would depend on whether the authorities really acted on the new legislation.<sup>30</sup> Nonetheless, about 20 percent of the more than 3,000 firms questioned for the survey identified corruption as a “very severe obstacle” to their operations.<sup>31</sup> Sixty percent of the firms surveyed said they had to pay bribes for registration, licenses or permits.<sup>32</sup>

Kim Ninh, country representative of the Washington-based Asia Foundation, speaking at the survey’s launch, observed that for “the bulk of Myanmar businesses, the business environment has not changed.”<sup>33</sup>

Thein Nyunt, a Lower House MP, indicated in May that he will make a proposal in parliament urging the Anti-Corruption Commission (“ACC”) to take action against corruption-ridden organisations without waiting for public complaints.<sup>34</sup> His proposal is to urge the commission “to enforce a clause enshrined in Chapter 8 of the law related to anti-corruption measures and investigate and expose government organisations notorious for corruption and bribery.”<sup>35</sup> About 8,000 out of 10,000 public complaints addressed to parliament implicate the judiciary and corruption of judges.<sup>36</sup> Thein Nyunt has called for more investigation into the salaries and assets of judges without waiting for more public complaints. He noted that the “salary of a judge is about Ks 200,000 (about US\$ 200). But he lives in a condominium and rides a luxury car worth over Ks 100 million . . . . Those found to have got rich from taking bribes will be exposed and their wealth will be confiscated by the public treasury. This will decrease the number of corruption cases and provide more money for public use.”<sup>37</sup>

On May 5, Vicky Bowman, former British ambassador to Myanmar and Executive Director of the Myanmar Centre for Responsible Development (“MCRB”), stated that the Anti-Corruption Commission needs to enact laws to fight bribery and stem corruption.<sup>38</sup> In March this year the MCRB initiated a project called “Transparency in Myanmar Enterprises,” which is meant to address corruption in the private sector and encourage greater transparency.<sup>39</sup> Bowman indicated that “most businesses should be online as bribery only occurs in face to face discussions between humans.”<sup>40</sup> MCRB has examined official websites of 60 local companies – Asia World, ACE, Eden, Htoo Companies Group, Kanbawza Companies Group, Diamond Star Company, Naing Companies Group and Capital Power Company – finding that only 34 companies have official websites and only a few of them are trying to address corruption.<sup>41</sup> MP Thein Nyunt has concurred with MCRB, questioning the progress of the Anti-Corruption Commission.<sup>42</sup> According to a letter

from the minister of foreign affairs, there are 382 complaints of corruption; 183 cases of which are uncertain, 91 are obvious and 44 of them have been reviewed. Thein Nyunt said he is amazed that despite all the complaints, only three cases have been addressed in the judiciary. Many of the public are skeptical that the Anti-Corruption Commission has any teeth to tackle high-level corruption because most cases involve senior members of government and most of the commission has been appointed by the president.<sup>43</sup>

Myanmar's government has been accused of presiding over a multi-billion dollar black hole of illegal logging and exports. The Environmental Investigation Agency scrutinized official figures on log harvests and timber exports over 15 years, finding that official exports during 2000-2013 accounted for only 28% of all recorded trade in Myanmar logs.<sup>44</sup> The study also found official harvest volumes were only 53% of exports, leaving 47% of all logging illegal.<sup>45</sup> EIA forest campaign leader Faith Doherty stated that the government's official data on forestry and timber exports "reveals endemic illegal logging and timber smuggling - crime only possible through institutionalized corruption on a huge scale."<sup>46</sup> Myanmar has some of Asia's largest remaining expanses of forest, but forest cover shrank from 58% of the land area in 1990 to 47% in 2010, according to Forestry Ministry data.<sup>47</sup> Myanmar's new reformist government has said it will ban exports from April 1. The EIA said the ban was not enough and called on the government to stop favoring cronies and to prosecute those involved in illegal logging and timber smuggling.<sup>48</sup>

#### **D. Miscellaneous**

On May 27, 2014, state-run newspapers published a draft of a controversial religious conversion bill, which is part of a package of proposed legislation meant to "protect race and religion" in the country.<sup>49</sup> The "protection of race and religion" legislation package includes four controversial bills. In addition to the religion conversion bill, it includes a bill that restricts interfaith marriage, a bill that puts forward population control measures, and another that bans polygamy. The four bills are based on a petition presented by a group of nationalist Buddhist monks to President Thein Sein in July last year.<sup>50</sup> Myanmar's government is now asking for public feedback on the religious conversion bill.<sup>51</sup> According to the draft published in newspapers, forcing someone to convert to another religion would be punishable by one year in prison, while insulting another religion would be punishable by between one and two years in prison. Many activists have condemned the bills as restrictive and undemocratic.<sup>52</sup> Some observers see the government's attempts to "protect race and religion" as a way to specifically stop Buddhist women from converting to Islam if they marry a Muslim man. Zaw Win Aung, joint chairman of the Christian Association Council in Mandalay, said he was worried about a loss of religious freedom. He told The Irrawaddy that "it is unacceptable for people to be required to ask permission if they want to convert to another religion," a requirement of the religious conversion bill. The plan to impose restrictions on interfaith marriage is also controversial, although details of this bill have not yet been revealed. Rights groups have said the interfaith marriage bill would threaten religious freedom and women's rights and deepen sectarian divides.<sup>53</sup>

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

The country's top leaders have been clarifying their stances on constitutional reform, with obvious rifts forming between the president and the army chief on the one hand, and the speaker of the legislature on the other. In a speech to mark the third anniversary of his government's

inauguration, President Thein Sein told Parliament on March 26, 2014 that the amendment process must proceed according to the current 2008 charter, which effectively gives the military a veto over any proposed changes. The commander-in-chief of the armed forces, Senior General Min Aung Hlaing, said at the Armed Forces Day parade that Parliament must follow Chapter 12 of the current Constitution, which holds that constitutional reform can only take place with support of more than 75 percent of lawmakers. Twenty-five percent of seats in the legislature belong to military-appointed representatives. The speeches of the president and the army chief stand in contrast with the views of Union Parliament Speaker Shwe Mann, who has urged the parliamentary committee in charge of constitutional reform to focus on amending Chapter 12. The opposition National League for Democracy (NLD) party and the 88 Generation Peace and Open Society are also campaigning against the military's veto over amendments.<sup>54</sup>

The popular leaders of the NLD and the 88 Generation Peace and Open Society, Aung San Suu Kyi and Min Ko Naing, have jointly addressed large rallies in Rangoon and Mandalay in May 2014 to call on the public to back efforts to reform the Constitution. The rallies signal the start of a large, nationwide push by Suu Kyi and the 88 Generation activists to force the ruling party and the military into accepting amendments to the undemocratic charter, which concentrates power with the army and blocks the NLD leader from the presidency.<sup>55</sup>

UN Special Rapporteur Tomas Ojea Quintana expressed concern over the military's veto power on constitutional changes, which he said are crucial for the country's democratic transition and next year's elections. Quintana said in a statement that the military's power to block constitutional amendments did not augur well for the 2015 elections. He said there must be civilian oversight over the military and that constitutional reform in Myanmar is a crucial step in the transition to a more democratic nation.<sup>56</sup>

#### **IV. Political Prisoners**

Burmese human rights group said in May that at least 59 political prisoners remain behind bars in Myanmar.<sup>57</sup> They also indicated that approximately 85 defendants are currently facing trial for political reasons.<sup>58</sup> According to the Thailand-based Assistance Association for former Political Prisoners and Rangoon-based Former Political Prisoners Society, President Thein Sein has not fulfilled his promise to release all political prisoners before the end of 2013, while his government continued to arrest new political prisoners.<sup>59</sup> These groups have also been criticizing the government's prior public statements and pledges regarding the release of all political prisoners in Myanmar: "These statements not only served to undermine the plight of those political activists still in jail at the beginning of 2014, but also shifted focus away from the ongoing restrictions and harassments of political activists."<sup>60</sup>

Additionally, there has been criticism and speculation that President Thein Sein has been releasing political prisoners in a tactical manner, so as to garner maximum positive publicity, rather than releasing them as quickly as possible.<sup>61</sup> There has also been criticism of the way in which the releases are conducted, as most of the releases have been conditional rather than full pardons.<sup>62</sup> "Released political prisoners still have criminal records, and the president has never apologised and admitted they should never have been jailed in the first place. Nor have released prisoners been given compensation and support for health and other problems as a result of torture

and their time in prison. Almost all repressive laws used to jail political prisoners remain in place.”<sup>63</sup>

Win Tin, a Burmese democracy activist and journalist, passed away in April. He led a foundation called the Hanthawaddy U Win Tin Foundation that helped political prisoners and their families with financial support.<sup>64</sup> The foundation has given cash donations of more than 120 million kyats (US\$120,000) to 63 current political prisoners as well as 363 former prisoners of conscience and media professionals who need financial support.”<sup>65</sup> It was announced that, pursuant to Win Tin’s wishes, the foundation will continue to make donations and assist political prisoners and their families.<sup>66</sup>

## **V. Economic Development**

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

The Central Bank of Myanmar Law, which was signed into law in July 2013, requires the Bank to report to the Parliament at least twice a year with regard to the conduct of its monetary and financial stability policy, the implementation of its objectives, and the state monetary status.<sup>67</sup> The law also requires the Central Bank to publish quarterly reports on its monetary policy and monetary stability for public information.<sup>68</sup> The Central Bank is expected to submit the new monetary policy during Parliament’s new session, which began on May 27. The new policy may include how the Central Bank will allow foreign banks to operate in Myanmar as well as lending rules, regulating inflation, and how mobile banking will work in the country. A Central Bank official stated that a new Financial Institution Law is being drafted, has already been reviewed by the Attorney General’s office, and is expected to be implemented during the process of reviewing whether to grant operating licenses to foreign banks. The exact relation of the Central Bank’s monetary policy and the Financial Institution Law remains unclear.

As was announced in late 2013, the Central Bank is currently working on a plan to allow foreign banks to offer limited financial services this year. As a first step to licensing foreign banks, the Central Bank has allowed 35 international banks to set up representative offices in Myanmar. These banks are currently prohibited from engaging in many banking activities, although they have been invited to submit “expressions of interest” to the Central Bank of Myanmar as to applying for a license to operate. Yangon representatives of several large foreign banks confirmed that the process requesting expressions of interest ends on May 30. An official document sent to more than 30 foreign banks with representative offices in Myanmar, and seen by Reuters, stated that Myanmar will grant foreign banks limited operating licenses by the end of September of this year. Consulting firm Roland Berger will oversee the process and a licensing panel will review applications by July 6 and award as many as 10 foreign banks licenses to set up one branch each to provide restricted services, including granting loans to foreign corporations. Under the recommendation from the World Bank, a minimum paid-in capital of \$75 million will be required by selected foreign banks.

At the same time, the Central Bank has announced it will not provide retail licenses to foreign banks, thereby restricting their operations to wholesale banking. The Central Bank’s vice governor, Set Aung, commented to reporters that the Central Bank will restrict foreign banks from providing loans to local businesses at the initial stages of their operation.<sup>69</sup> There is not yet a



concrete timeline as to how long the restriction will be enforced, although these limits are expected to be gradually loosened.<sup>70</sup>

The Myanmar Investment Commission (“MIC”), which has a variety of powers over the approval of foreign investment in Myanmar, was reformed recently with the appointment of a new chairman, the creation of a vice chairman position, and an increase in the number of commission members from 11 to 13.<sup>71</sup> These moves are aimed at attracting more foreign investment.<sup>72</sup> Minister of Energy, Zayar Aung, replaced Minister of Finance, Win Shein, as the chairman of MIC, while Minister of Hotels and Tourism, Htay Aung, was appointed as vice chairman. Deputy Minister for Finance, Dr. Maung Maung Thein, and Deputy Minister for National Planning and Economic Development, Lei Lei Thein, were added as new members, and Director General of the Directorate of Investment and Company Administration, Aung Naing Oo, was appointed as Secretary.<sup>73</sup> The MIC, which is currently under the Ministry of National Planning and Economic Development, is making necessary changes to act as an independent organization like the Central Bank of Myanmar.<sup>74</sup>

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

According to the Directorate of Investment and Companies Administration (“DICA”), 707 foreign companies have been allowed to operate in Myanmar, counting through the end of April of this year.<sup>75</sup> The companies represent over 20 countries, with Singapore the most heavily represented numerically with approximately 116 companies operating in the country.<sup>76</sup> Total foreign investment in the same period was US \$46.5 billion, with China and Thailand the largest contributors.<sup>77</sup> The energy sector claims 41% of the total foreign investment capital,<sup>78</sup> while according to DICA approximately half of the US \$2.2 billion invested year-to-date has been in the transportation and telecom sectors.<sup>79</sup> Commodity production and housing make up the next largest beneficiaries of foreign investment so far in 2014.<sup>80</sup> According to state media, foreign investment during the 2013-14 fiscal year may have created more than 90,000 new jobs.<sup>81</sup>

According to a survey conducted by the United Overseas Bank (“UOB”), seven out of ten Asian companies indicated having plans to enter Myanmar within the next year.<sup>82</sup> Over half of the 108 companies polled by the UOB were from Singapore.<sup>83</sup> The large untapped domestic market was the main reason given for expansion, although the attractiveness of that potential was tempered by a concern regarding the availability of financing and the obscurity of relevant local legislation.<sup>84</sup> The former concern may be alleviated should the government allow foreign banks to begin operating later this year, as indicated by some sources and described above.<sup>85</sup>

Myanmar plans to take advantage of a Chinese deep-sea port built to support a natural gas and crude oil pipeline project by creating a special economic zone nearby, envisioning developing a trading hub to connect nearby Asian economic players.<sup>86</sup> China is Myanmar’s largest trading partner and is already invested in the \$2.5 billion pipeline, although relations have cooled as Myanmar has begun trading with rivals Japan and the United States.<sup>87</sup> Public feelings toward Chinese investment have hardened, with the Letpadaung copper mine – a controversial joint venture between a Chinese state-owned company and the Myanmar military and target of many protests – once again the focal point of resentment.<sup>88</sup> Activists took two Chinese workers hostage, releasing them the next day after an intervention by riot police officers.<sup>89</sup> Local residents opposed

to the mine have expressed concerns over land seizures due to mine expansion, destruction of cultural buildings including a Buddhist temple, and a lack of understanding of local culture.<sup>90</sup>

The United States moved in April to open a commercial service office in Myanmar, with the goal of assisting U.S. companies looking to invest in the country.<sup>91</sup> The move is part of an increased U.S. effort to strengthen foreign direct investment in Asia.<sup>92</sup> However, while some U.S. multinational companies are already investing in Myanmar, others may be put off by a possible extension of U.S. economic sanctions in response to human rights abuses.<sup>93</sup> Opinions from industry professionals indicate a potential spooking of manufacturing companies in particular. The potential impact among energy sector companies is expected to be minimal.<sup>94</sup>

### **C. Land Seizures**

Demonstrations against land seizures included one by over 200 farmers in Hpruso township, Karenni State, in which the farmers took to fields allegedly confiscated from them a decade ago and began ploughing them in protest.<sup>95</sup> The farmers allege that over 1,200 acres were taken by the army, and that formal requests to the government to return the land have failed. The army itself had previously offered to allow the farmers to work on the land as long as they acknowledged that it was owned by the army, an offer that the farmers refused.<sup>96</sup> A previous attempt to work the land faltered when, according to one spokesman, the farmers were threatened by the army.<sup>97</sup>

Farmers in Natmauk township, Magwe, also held a demonstration to call for the return of land allegedly taken in three stages over the last seven years.<sup>98</sup> The farmers had received permission from local authorities to stage the demonstration, in which they demanded that land seized to construct a gas pipeline, railroad, and airfield – allegedly thousands of acres, for which minimal to no compensation was offered – be returned by the government.<sup>99</sup> The farmers assert that most of the land was used to the financial benefit of the government and certain companies and not for the original purposes for which it was seized.<sup>100</sup> One protestor among the more than 200 who came from 19 villages in the township said that no compensation was received for the seized land, despite promises that it would be paid.<sup>101</sup>

Farmers in Kachin State claim that over 300,000 acres of land was seized by the Yuzana Company without fair compensation.<sup>102</sup> The farmers denounced the seizure in a press briefing in which they claimed that the company, which is owned by MP Htay Myint, first promised to pay proper compensation in 2012 when the farmers threatened to protest.<sup>103</sup> Instead, the farmers allege, the company gave away land belonging to other farmers.<sup>104</sup> A case brought against the company in 2010 did not result in a return of the land, and the farmers plan to protest in front of the company's headquarters at the end of May.<sup>105</sup>

Sein Than, the leader of a group of protestors from Michaungkan who continue their sit-in protest in Yangon mentioned in our March report,<sup>106</sup> was charged in April for violating Municipal Act 68.<sup>107</sup> An arrest warrant was later issued when he did not report to court, although Sein Than says that he had applied for and was granted a medical leave from the court.<sup>108</sup> Supporters rallied in front of Latha Township Court to protest the warrant.<sup>109</sup> The Michaungkan group continues its sit-in protest against the seizure of their land, a demonstration that began with a two-week long demonstration at the end of 2013 over the military's seizure of land in the 1990s.<sup>110</sup> As the group's

efforts continue, some have turned to prayer and symbolic burning of coffins marked with the names of alleged land grab perpetrators in an attempt to bolster their cause.<sup>111</sup> The spiritual pleas have brought reaction from the authorities – five people involved with organizing the coffin burnings have been charged.<sup>112</sup>

Police clashed with a group of protestors, leaving two of the protestors seriously injured.<sup>113</sup> They were admitted to a hospital after the confrontation.<sup>114</sup> A third individual, a freelance journalist, was also injured in the clash.<sup>115</sup> The protest was in response to the jailing of a farmer, himself part of an earlier ongoing protest against the seizure of over 1,000 acres land in 1999.<sup>116</sup> According to that protest, the seized land was given to a local businessman, Htein, a man with connections to the government.<sup>117</sup>

## **VI. Ethnic Violence**

### **A. Violence Against Muslims**

On April 4, a mob of about 300 Buddhists destroyed a Muslim home, threw stones at a Muslim restaurant and attacked a mosque in Hlegu, a town 40 kilometers northeast of Yangon.<sup>118</sup> The crowd reportedly broke into the mosque and stole money from the donation box. The riots began when a Muslim man allegedly stabbed a Buddhist man in the eye with a pair of scissors during an argument.

On April 16, a mob of Buddhist villagers in Nattalin Township, Bago region, burned down multiple houses in an attack against an interfaith couple.<sup>119</sup> The day before the violence, a crowd of Buddhists surrounded the home of a young Buddhist woman and demanded that her family turn over her Muslim partner. Police escorted the man to safety but the crowd returned the next day and burned down four houses, including the woman's house.

As described in our previous reports, in recent months the Rakhine State government expelled Médecins Sans Frontières (“MSF”), also known as Doctors Without Borders, while other international aid organizations fled Rakhine State following attacks by local Buddhists on the offices of medical aid group Malteser International and other NGOs in the state capital of Sittwe. In April, United Nations and U.S. State Department officials raised concerns about the resulting void in humanitarian support for impoverished Rohingya Muslims and other displaced people in Rakhine, and urged the government to allow the aid groups to return.<sup>120</sup> A Myanmar government investigatory commission concluded that, contrary to rumors that sparked the riots in Sittwe that a foreign aid worker for Malteser International had disrespectfully mishandled a Buddhist flag, no such event took place.<sup>121</sup> The commission also criticized the Rakhine state government for its “sluggish” handling of the attacks that caused NGOs to leave. However, while Rakhine State authorities welcomed most foreign aid groups to return, they continued to ban MSF and Malteser International.<sup>122</sup>

The government set up a commission, called the Emergency Coordination Center (“ECC”), tasked with overseeing and censuring the relief work done by international NGOs.<sup>123</sup> In May negotiations with the Ministry of Health, the U.N., and NGOs, the ECC insisted that no further humanitarian assistance be restored to the existing hospital in the Dar Paing IDP camp in Sittwe.<sup>124</sup>

A member of the ECC said that the ECC did not want to give the Rohingya IDPs a permanent hospital because that will imply that the IDPs have permanent status to stay in the country.<sup>125</sup>

Rakhine Buddhists have continued to push for extreme measures to repress Rohingya. An early May conference of Rakhine Buddhist leaders called for the creation of a Rakhine “National Defense Army” to “protect” Buddhists from Rohingya.<sup>126</sup> Later in May, twenty civil society groups in Rakhine State formed a “U.N./NGO Watch Team” to monitor international humanitarian aid to Rohingya.<sup>127</sup> One member of the group said that the group will “approach” and “inform” NGOs when local people do not approve of their actions, with the aim of negotiating between the two sides.

In April, the government continued to carry out its nationwide census, which allowed respondents to identify themselves in various ethnic categories that, at the pressure of Buddhist protestors in Rakhine State, excluded Rohingya Muslims. A government official claimed that more than 6,000 Muslim households in Rakhine State voluntarily registered themselves as “Bengali,” a claim that local Rohingya activists denied.<sup>128</sup> Possibly to justify mistreatment of Rohingya Muslims, the Rakhine State government calls them “Bengali” and claims they are immigrants from Bangladesh rather than native Burmese.

## **B. Violence Between the Central Government and Ethnic Rebel Groups**

Serious fighting erupted in April and May between the Myanmar Army and Kachin and Ta’ang (Palaung) militias, the only two major ethnic armed groups that do not have a ceasefire agreement with the government in place.<sup>129</sup> Other concerning developments also occurred in Kachin, Shan, and Karen states.

### *Kachin State*

After the Kachin Independence Organization (“KIO”) refused to allow government census-takers into its territory, approximately one thousand government troops surrounded dozens of villages in the Man Win Gyi area on the Kachin-Shan border in early April, supposedly to accompany census workers.<sup>130</sup> A peace mediator claimed that the census was a pretext for the government to capture Kachin land.<sup>131</sup> Rather than increasing people’s cooperation with the census, the appearance of government troops caused many villagers to flee their towns.<sup>132</sup> Fighting between the government and Kachin Independence Army (“KIA”) troops ensued and left at least 14 government troops and eight KIA troops dead.<sup>133</sup>

As a result of the fighting, an estimated 3,000 to 5,000 villagers in Kachin State were displaced from their homes, including 1,000 people who fled across the border to China.<sup>134</sup> The fighting also made matters worse for IDPs. Artillery shells believed to be launched by government forces landed close to an IDP camp, injuring at least one resident.<sup>135</sup> The government reportedly closed key roads linking towns that would allow international aid groups such as UNICEF to transport supplies to IDPs.<sup>136</sup> As a result, IDPs faced an extreme shortage of provisions, lacking blankets, medicine and clean drinking water.<sup>137</sup> Claiming that IDP camps were too close to the Myanmar Army base, government troops also pressured some IDPs to return home despite the ongoing fighting in their villages.<sup>138</sup>

Ethnic Shan people in Kachin State staged a protest in the state capital in May, alleging that the KIA forcibly recruited their family members.<sup>139</sup> On May 16, the KIA released 21 villagers, including Shan, Kachin and Muslim villagers.<sup>140</sup>

The Asian Human Rights Commission reported that two Myanmar Army soldiers raped a 17-year-old girl in Kachin State in early April.<sup>141</sup> Despite a police report that identified one of the perpetrators, the Army did not cooperate with the investigation and no charges were filed. As we discussed in our January 2014 report, the military has long been accused of using rape as a weapon in the country's conflicts with ethnic rebel groups.

### *Shan State*

Heavy fighting also took place in northern Shan State as well, where government troops clashed with Ta'ang National Liberation Army ("TNLA") soldiers in a series of battles.<sup>142</sup> At least 19 government soldiers died, and no TNLA casualties were reported.<sup>143</sup> The TNLA said it encountered government troops while clearing a route used by drug smugglers.<sup>144</sup> The Myanmar Army responded by raiding several villages that it suspected were hiding TNLA soldiers and detained local civilians.<sup>145</sup>

A disturbing news report indicates that the TNLA is also forcibly recruiting villagers to be soldiers and is executing villagers who refuse.<sup>146</sup> A villager in Namhsan township in Shan State said that TNLA soldiers demanded to take one recruit from each household, and when the village leader tried to reason with them, they killed him, warning that more executions would follow. Over 50 local families fled Namhsan to escape the TNLA and have not received any aid.<sup>147</sup>

Myanmar Army soldiers abducted Aike Kyein, a member of the Shan League for Democracy, from his home and tortured him in the jungle for several days.<sup>148</sup> Kyein was accused of violating the Unlawful Associations Act by associating with the Restoration Council for Shan State ("RCSS") and Shan State Army South ("SSA-S"), despite the fact that the RCSS and SSA-S have signed a cease fire with the government.<sup>149</sup> The Unlawful Associations Act is a law previously used by the former junta to punish any person connected to or supporting insurgent groups. After President Thein Sein personally intervened in the case, the Army released Kyein in late May.<sup>150</sup> The Army also raided the office of the RCSS on May 6 without a warrant.<sup>151</sup> According to the RCSS, the raid "badly affected the mutual trust" between the RCSS and the government in peace negotiations.<sup>152</sup>

Ethnic armed groups also fought amongst themselves in April. Fighting broke out between the SSA-S and United Wa State Army ("UWSA") after the UWSA refused to stop mining gold in SSA-S-controlled territory.<sup>153</sup> One UWSA soldier was killed.

### *Karen State*

In Karen State, over 200 internally displaced persons ("IDPs") being taken to new homes offered to them by the Democratic Karen Buddhist Army ("DKBA") were stopped by the Karen State government.<sup>154</sup> The IDPs were evacuated from a village near Yangon that was destroyed by the government in February, when it claimed the villagers were illegal squatters.<sup>155</sup> After the government intercepted their resettlement, about 160 of the IDPs were able to sneak into

DKBA-held territory.<sup>156</sup> Some have speculated that the DKBA's resettlement offer is a way to force IDPs into military service, which a DKBA spokesperson denied.<sup>157</sup>

A study by the Karen Human Rights Group reported that while human rights conditions have improved among Karen communities in recent years, new patterns of human rights abuses, such as land grabbing and drug trafficking have emerged.<sup>158</sup> Additionally, rape, arbitrary arrest and detention, torture and extrajudicial killings still occur at the hands of the Myanmar Army, border guard forces, the DKBA and the Karen National Liberation Army.

### **C. Peace Talks**

The Myanmar government met with the Nationwide Ceasefire Coordination Team ("NCCT"), an organization that represents 16 armed ethnic rebel groups, for four days of peace talks in early April.<sup>159</sup> Complicating the negotiations, the government side consisted of two factions with different demands: the President's civilian negotiators and the Army. While the NCCT and government negotiators agreed to an agreement in principle on some points, other important issues remain unresolved. The Army refused to entertain the formation of a federal Army, under which armed ethnic groups would retain some autonomy, and instead continued to demand a single unified army.<sup>160</sup> Additionally, the Army demanded that ethnic rebel groups acknowledge the legitimacy of the country's 2008 constitution, which the ethnic groups say was not democratically adopted.<sup>161</sup> While the United Wa State Army ("UWSA") is not a member of the NCCT, the commander in chief of the Myanmar military met separately with the UWSA and the Shan State Progressive Party, the political arm of the Shan State Army-North, in Shan State.<sup>162</sup>

In late May, the government again met with NCCT negotiators and worked on a second draft of the ceasefire. The two sides made progress, as the government agreed in principle to the idea of a federal political system.<sup>163</sup> Additionally, government negotiators did not bring up the Army's demand that the ethnic rebels acknowledge the 2008 constitution, which would most likely need to be amended to implement a federal system.

General Gun Maw, the deputy commander in chief of the KIA, called for the U.S. to be involved in peace talks during an April visit to Washington D.C.<sup>164</sup> The U.S. Embassy in Yangon said it would seriously consider any request from the government and ethnic rebel groups to support the ongoing talks.<sup>165</sup> However, a spokesperson for President Thein Sein expressed skepticism about the U.S. record of ending conflicts, pointing to its interventions in Iraq and Afghanistan.<sup>166</sup>

In May, the United Nationalities Federal Council, an alliance of armed ethnic rebel groups, revealed its office for a Federal Union Army, an organization that will prepare troops to be integrated into the national army if it is federalized.<sup>167</sup>

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