

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

AUGUST 2014 REPORT

Summary. This report reviews the August 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

Myanmar-U.S. Relations

U.S. Secretary of State John Kerry visited Myanmar this month to attend ASEAN-related meetings.¹ Kerry reaffirmed American support for the reform process in Myanmar, despite warnings from the U.S. Congress of backsliding as the country wrestles with sectarian violence and with whether democracy icon Aung San Suu Kyi will be permitted to run for the presidency in elections next year.² Absent from the discussion with President Thein Sein were any threats of reimposing sanctions or what the U.S. would do if Myanmar does not address these challenges adequately, said a senior State Department official present at the meeting.³ In recent weeks, 72 members of the U.S. House of Representatives, both Democrats and Republicans, urged the Obama Administration to rethink its policy on Myanmar and to avoid further concessions unless the government makes further progress on these issues. Some lawmakers have called for reimposing sanctions.⁴

The U.S. delegation, including Kerry, stayed at a hotel owned by Myanmar businessman Zaw Zaw, who is listed on the Treasury Department's list of Specially Designated Nationals who are sanctioned for ties to the country's former ruling generals.⁵ The State Department said the U.S. delegation was assigned to the hotel by Myanmar's foreign ministry.⁶ The hotel stay does not violate any sanctions because any transactions related to travel by an American, regardless of whether on private, commercial or government business, are exempt.⁷ The news coverage around the hotel choice has however been embarrassing for the U.S., and highlights the difficulty in their approach of trying to open up Myanmar but still hoping to have some leverage over bad actors.⁸

The U.S. and Myanmar also agreed in August to work together to bolster and reform the country's labor rights.⁹ U.S. labor leaders welcomed the move but noted that the initiative, which will be open to other countries, would require the participation of countries like China, Japan, and South Korea that have a strong commercial presence in Myanmar.¹⁰

U.S. Sanctions

The U.S. government has decided to waive sanctions on Myanmar's timber sector for one year.¹¹ The decision, which went into effect in late July 2014, is being hailed by some as an opportunity for community-led and sustainability initiatives to take root in Myanmar, where lucrative forestry revenues have long been firmly controlled by the military and national elites.¹² The European Union, too, is currently working to normalize its relations with the Myanmar timber sector.¹³ In June, 2014, Washington granted a limited one-year license to the 200 members of the U.S.-based International Wood Products Association ("IWPA") to engage in transactions with the Myanmar Timber Enterprise, the state logging agency.¹⁴ U.S. officials say the aim of the decision is to allow U.S. companies and customers to help strengthen reforms in the timber trade, hopefully promoting transparency and building nascent sustainability practices.¹⁵ Kerry S. Humphrey, a media advisor with the U.S. State Department, told Inter Press Services that "[t]he State Department has been in consultations with IWPA to ensure that any trade conducted under this license adheres to U.S. Government policies, including promoting sustainable forest management and legal supply chains." Humphrey notes that IWPA will now be required to file quarterly reports with the State Department on its "progress in helping to ensure legal timber supply chains."¹⁶

Yet others are warning that Washington has taken the decision too soon, before domestic conditions in Myanmar are able to support such a change.¹⁷ Ali Hines, a land campaigner with Global Witness, a watchdog group, told Inter Press Service that “Myanmar is not yet in a position to state convincingly where and how timber is sourced, meaning that U.S. importers and traders have little way of knowing whether the timber is illegal, or linked to social or environmental harm.”¹⁸ Critics worry this will simply create two parallel timber sectors, one licit and another that is little changed. The industry, as with Myanmar’s broader extractives sector, has long been notorious for deep corruption and human rights abuses.¹⁹

The U.S. has also encouraged certain sanctioned companies to apply to be removed from the list of sanctioned persons under U.S. law.²⁰ In order to be de-listed, U.S. officials said, companies would need to demonstrate that they are taking steps to sever their ties to Myanmar’s military and prove they are not committing human rights abuses.²¹ A significant portion of the Myanmar economy is still connected to companies that are subject to U.S. sanctions.²²

Myanmar-Russia Relations

Russia, a country recently subjected to a U.S. sanctions regime, courted closer economic ties with Myanmar in August.²³ Russia’s Economic Development Minister signed a bilateral trade agreement with Myanmar in August aiming to nearly quadruple total trade between the countries to \$500 million over the next three years.²⁴

II. Civil and Political Rights

A. Election-Related Laws and Acts

In response to a July 1, 2014 directive from Myanmar’s Union Election Commission (“UEC”) setting forth the regulations that would govern campaigning for the 2015 elections, the National League for Democracy (“NLD”) issued a ten-point proposal suggesting amendments to the election rules.²⁵ These include an extension of the election campaign period from 30 to 60 days, an extension of the deadline for advance ballots submissions, and a requirement that UEC officials abstain from party affiliation for a minimum of three to five years prior to the election.²⁶ After meeting with NLD officials in early August, the UEC accepted several of the NLD’s proposed amendments.²⁷ However, Win Myint, NLD central committee member, reported that the UEC had rejected the proposed deadline extension for advance ballots and the requirement that its officials abstain from party affiliation for the previous three to five years.²⁸ Myanmar’s constitution stipulates that UEC members may not belong to a party, but does not specify for how long.²⁹ Based on comments attributed to UEC director, Thaung Hlaing, initial reports claimed that the UEC had also rejected the NLD’s request to double the campaign period.³⁰ Other UEC officials later backtracked on these comments, however, claiming that the UEC is still considering extending the election campaign period from 30 to 60 days and that there had been a misunderstanding regarding Thaung Hlaing’s earlier comments.³¹

Myanmar officials have announced that ethnicity data from the recent national census will not be published until after the 2015 general election.³² Officials claim that the delay is due to the time needed to record details of those who self-described their ethnicity through the option “other,” but many believe the results are being held back for political reasons, especially to

preempt any possible sectarian unrest or ramifications that the data may have.³³ The census question regarding ethnic identity was one of its most controversial elements, and observers have expressed concerns that its inclusion will exacerbate religious and ethnic tensions.³⁴

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

As foreign telecommunication companies increasingly look to bring mobile services to Myanmar citizens, Myanmar officials are increasingly wary of violence and unrest incited over social media.³⁵ Citing communal riots in Mandalay sparked when a Muslim man was falsely accused online of raping a Buddhist woman, Myanmar Information Minister, Ye Htut, indicated that online hate speech remains a concern for the government with Myanmar's increasing access to information.³⁶

Following the sentencing of five Unity Journal journalists on national security charges, a group of local journalists protested the incarceration in front of the Myanmar Peace Centre ("MPC") during a visit by President Thein Sein.³⁷ The group, donning shirts that read "stop killing press," taped their mouths shut and put down their recording devices as the president met with celebrities on the MPC premises.³⁸ Authorities arrested over 50 of the protesting journalists and charged them with violating Article 18 of Myanmar's controversial Peaceful Assembly and Peaceful Procession Act, for participating in an unpermitted demonstration.³⁹ On August 21, 2014, however, the case against the journalists was dismissed.⁴⁰ Nevertheless, Deputy Station Officer Maung Maung Oo, who levied the charges, warned that future demonstrations will be treated similarly.⁴¹

On August 5, 2014, activist Htin Kyaw, whose previous sentences have been discussed in previous reports, was sentenced to an additional year of hard labor.⁴² Htin Kyaw, who is the leader of the Movement for Democracy Current Force ("MDCF"), was sentenced for charges stemming from an April protest in which he stated his opposition to the government and distributed anti-government leaflets.⁴³

Htin Kyaw's MDCF is at the center of another criminal case against journalists and executives from the Bi Mon Te Nay Journal.⁴⁴ The newspaper ran a front page story on a statement by the MDCF which mistakenly claimed that opposition leader Aung San Suu Kyi had formed an interim government.⁴⁵ Staff members from the journal were targeted under Article 505(b) of the Penal Code which broadly covers persons who spread or make statements that can "alarm the public" or "whereby any person may be induced to commit an offence against the state."⁴⁶ These charges carry lighter sentences than those with which police authorities initially charged the journal's staff members. The staff members' lawyer stated he believed that the reduced charges came after the Interim Press Council met with President Thein Sein several days before.⁴⁷

C. Official Corruption

On August 18, the U.N. announced that its Office on Drugs and Crime ("UNODC") and the government of Myanmar had signed an agreement to collaborate on strengthening the rule of law and addressing significant drug and crime issues in the country.⁴⁸ The agreement extends through 2017 and was finalized and approved by President Thein Sein and the Myanmar cabinet

after a year of negotiations.⁴⁹ According to the UNODC, Myanmar is the largest producer of synthetic drugs in Southeast Asia and the world's second largest opium producer, and this criminal activity is undermining development efforts, increasing human insecurity and threatening the peace process.⁵⁰ A U.N. statement noted that the program had consolidated the U.N.'s assistance into five sub-programs: transnational organised crime, anti-corruption, criminal justice, drugs and health and alternative development for opium poppy farmers.⁵¹

A key aspect of this collaboration is its anti-corruption program. Rights activists say that the opium and drug trade has led to powerful individuals rising through the political ranks, including in Parliament.⁵² For many years, the drug lords used the huge profits that drugs generated to win government influence.⁵³ Although Myanmar's economy has grown in recent years, driven by economic and political reforms, the country continues to have high rates of official corruption—indeed, the watchdog group Transparency International ranked Myanmar 157 out of 177 countries in its corruption rankings.⁵⁴ Myanmar rights activist Debbie Stothard said the increasing influence of drug lords is a cause for concern as the country's economy grows: “Many blacklisted cronies who are being feted by international business people have themselves become rich because of corruption and other connections to criminal activities. What we are seeing now is a situation where the past generation of criminals [] in many cases become respectable under the current reform regime.”⁵⁵ Stothard said people close to Myanmar's drug trafficking networks were elected to Parliament in the 2010 elections and that there is a link between these people being elected and higher rates of opium poppy production.⁵⁶ The UNODC reported a 26% jump in opium production in Myanmar in 2013 to 870 tons, based on increased cultivation.⁵⁷

The Office of Narcotics Control Board, Thailand estimates that around two billion “ya ba” tablets (tablets containing a mixture of methamphetamine and caffeine) of various potencies will get into Thailand this year from Myanmar, of which maybe 10% will be seized.⁵⁸ Since signing the pact with the U.N., Myanmar's police and coastguard have made two drug busts that netted around three million ya ba tablets and several kilos of heroin and crystal meth.⁵⁹ These are considered relatively small busts because they do not impact the drug trafficking in any meaningful manner and because the drug kingpins and lords and senior traffickers see this type of bust as a price of doing business.⁶⁰ Myanmar has not yet arrested and/or extradited drug lords prospering in the country, and many do not believe that it is serious about fighting illicit drug trafficking.⁶¹ Phil Robertson, deputy Asia director for Human Rights Watch, states that ongoing impunity is a growing problem: “The fundamental link between the black economy or the criminal economy that you are talking about and the issue of rights is the impunity that people have if they are well connected, if they are a crony of a minister, if they are connected to a military commander to abuse rights.”⁶² Robertson added that a key test for the UNODC program will be if it diminishes this culture of impunity by prosecuting well-connected persons involved in drug trafficking or other criminal activities.⁶³

A study published on August 6 by the World Justice Project (“WJP”), based in Washington DC, provides a comprehensive assessment on how 99 countries adhere to the rule of law. It ranked Myanmar 89th out of 99 countries around the world.⁶⁴ The WJP surveyed eight sectors such as constraints on government powers, absence of corruption, having an open government, fundamental rights, order and security, regulatory enforcement, civil justice and criminal justice.⁶⁵ According to the findings, Myanmar was 60th for order and security among the 99 countries, while it ranked 63 on the scale for absence of corruption.⁶⁶ The weakest sectors for Myanmar were

fundamental rights and having an open government, where it ranked 97th on the scale for fundamental rights, and 96th on the list for having an open government.⁶⁷ Countries that rated worse than Myanmar included Uganda, Cambodia, Pakistan, Zimbabwe and Afghanistan.⁶⁸

D. Miscellaneous

On August 1, Myanmar's military released 91 children and young people from military service.⁶⁹ Myanmar has for years been listed among countries where children have been recruited to fight, by both the government army and ethnic minority guerrilla groups battling the government for autonomy.⁷⁰ Shalini Bahuguna of the U.N. Children's Fund stated that discharges like this "must be accelerated so that the Tatmadaw [the traditional name of the military in Burmese] can quickly achieve the double objective of zero under-age recruitment, and full discharge of those that are under 18."⁷¹ Myanmar's military ran the country for 49 years and was condemned internationally for human rights abuses including the use of child soldiers. A reformist, semi-civilian government that took over in 2011 has been working with the UN to get children out of the armed forces, and has freed 364 children since June 2012.⁷²

III. Governance and Rule of Law

In August, the NLD claimed that a petition movement it had created, along with the 88 Generation group, had collected nearly five million signatures in support of changing Myanmar's military-drafted constitution to remove the military's effective veto power over political affairs.⁷³ However leaders of the ruling Union Solidarity and Development Party ("USDP"), including Shwe Mann, the party's chairman, have stated that the signature campaign will have no impact on Parliament's consideration of proposed constitutional changes.⁷⁴

More than 100 people gathered in front of Yangon's City Hall in early August to protest against plans to change the country's current first past the post ("FPTP") electoral system to proportional representation ("PR") ahead of next year's election.⁷⁵ Myanmar's Upper House of Parliament has already approved switching to the PR system for the 2015 election, and the Lower House has formed a commission to discuss what electoral system the country should use.⁷⁶ The USDP has backed the PR proposal—put forward by lawmakers from the small National Democratic Force ("NDF") party—however, the NLD and ethnic minority parties oppose the switch. Critics accuse the USDP of attempting to manipulate the election rules in order to stave off defeat in the upcoming 2015 elections for Parliament.

IV. Political Prisoners

Members of the state-led Remaining Political Prisoner Scrutiny Committee ("RPSC") have proposed the formation of a body to lobby for the release of political prisoners.⁷⁷ The government claims it achieved its pledge to release all political prisoners by the end of 2013, despite around 30 confirmed political prisoners still being in jail as of December 31, 2013, according to the RPSC.⁷⁸

In mid-August a workshop convened in Yangon to discuss the definition of "political prisoner."⁷⁹ The government and political activists have been at odds over the definition of the term.⁸⁰ The resolution of this disagreement has strong implications for the evaluation of the government's release pledge and potentially for future treatment of political prisoners.⁸¹ Over 100

representatives from NGOs and political parties, as well as activists, lawmakers, and lawyers, gathered for the workshop at the Dhamma Peya monastery in Yangon's Thingangyun Township.⁸²

The workshop was jointly organized by the Yangon-based Former Political Prisoners Society ("FPPS") and Thailand-based Assistance Association for Political Prisoners ("AAPP").⁸³ The discussion also included former political prisoners who were granted amnesty under President Thein Sein's quasi-civilian government.⁸⁴ According to Tun Kyi of the FPPS, the definition that came from the workshop is "anyone who is arrested on political charges or other penal code-based violations, if they were protesting against the Constitution or the government's conduct, including the president and all government officials."⁸⁵

V. Economic Development

A. Developments in the Legal Framework of Economic Development

In a move aimed at attracting more foreign investment, the Myanmar Investment Commission ("MIC") expanded in August the list of businesses that can be 100%-owned by foreign investors.⁸⁶ Foreign investors with joint ventures in 30 industries, including the beverage industry as well as small and medium-sized power generation, can now take full ownership.⁸⁷ The oil and gas sector will remain a restricted area in which all foreign investors must operate through joint ventures with Myanmar's Energy Ministry.⁸⁸

Myanmar has commenced talks to get its first credit rating, a move which could pave the way to a global bond sale.⁸⁹ The country is working with Standard Chartered to get the rating process started, and it aims to demonstrate to global investors that the country is not a "black box."⁹⁰ The three major ratings agencies—Fitch Ratings Inc., Moody's Investors Service and Standard & Poor's Ratings Services—have not commented on the process.⁹¹ The process comes mere months after Myanmar reached a deal with the World Bank and the Asian Development Fund to clear nearly \$1 billion of debts owed to those organizations, mostly related to old projects.⁹² Myanmar ultimately intends to tap global debt markets, as a number of other developing countries have done this year.⁹³

While, as noted above, Myanmar intends to withhold the ethnicity results of the recent census, overall population numbers have now been released. The official census count of Myanmar's population came in at 51.4 million residents, significantly below the 60 million residents that Myanmar has touted in recent years.⁹⁴ The lower population will potentially have a modest impact on the interest of companies in investing in the frontier market, as the potential available market is significantly smaller than was anticipated.⁹⁵ Nevertheless, the country is enjoying robust economic growth, with its economy projected to expand 8.5% in this fiscal year according to the IMF, mostly based on rising gas output and investment.⁹⁶

B. Developments in Foreign Investment and Economic Development Projects

A Chinese firm which signed deals with Myanmar's former military rulers to build hydro dams expressed a willingness to renegotiate the terms—which previously would have permitted up to 90% of the generated power to be exported to China—to provide for more domestic consumption.⁹⁷ While this and other Chinese projects have fallen prey to public opposition, several major projects funded by India are moving forward apace. The Kaladan Multi-Modal

Transit Transport Project, which will connect India's Mizoram State to a deep-sea port in Sittwe, is projected to be completed by 2015.⁹⁸ The project will expand the capacity of the Sittwe port facility, giving India's northeast states access to a harbor in the Bay of Bengal and connect Myanmar to Kolkata port.⁹⁹ The India-Myanmar-Thailand trilateral highway corridor is projected to be completed by 2016, and a highway bus route connecting India's northeast to Mandalay is set to be completed in October.¹⁰⁰

Interest has cooled in investment in Myanmar's aviation sector as investors have developed cold feet not only based on the infrastructure challenges on which this report has repeatedly focused, but also based on the inclusion of some domestic leaders in the country's aviation sector on the U.S. sanctions list.¹⁰¹ Last month, All Nippon Airways ("ANA") canceled a planned investment of \$25 million to buy a 49% equity stake in little-known Myanmar carrier Asian Wings Airlines, which has a strategic relationship with an airline on the U.S. sanctions list (along with its owner).¹⁰² However, ANA denied that the investment cancellation was related to the sanctions issue.¹⁰³

To some extent, similar dynamics have been at play in other sectors. For instance, it has been reported that the decision by Standard Chartered plc not to seek a banking license in Myanmar, which we noted last month, was based on its concern about the relative challenges of meeting the country's regulatory requirements given the limited economic payoff from entry.¹⁰⁴

C. Land Seizures

In August, the Myanmar Ministry of Defense reported to the national government that more than 200,000 acres of confiscated land have been returned to state and regional governments, however only 46,000 acres of land have been transferred to their original owners.¹⁰⁵

Some groups of farmers recently succeeded in obtaining limited compensation or the return of a small amount of seized land from the government. In Tachileik Township in Shan State, the Ministry of Mining and Forestry ordered gold mining companies to halt their operations and compensate local farmers whose land and water supply have been polluted by the mine operations.¹⁰⁶ According to villagers, more than 300 acres of farmland can no longer be cultivated due to the waste, and about 90 households lost their incomes as a result.¹⁰⁷ The mining companies were ordered to pay \$670 per acre of completely destroyed farmland to the affected farmers.¹⁰⁸ In Hyaukshai village in the Sagaing region, Kantbalu Township, the Myanmar army agreed to return to villagers 384 acres of farmland out of a total of 3,000 acres the army seized in the town in 1999 to develop a sugarcane plantation.¹⁰⁹ The farmers do not expect to receive all 3,000 acres back from the government,¹¹⁰ and claim that the army conducted military exercises on the seized land to intimidate them.¹¹¹

Despite these small victories, villagers across the country remain uncompensated for their confiscated land and have continued to protest land seizures notwithstanding the threat of violence by police and considerable prison sentences. About 200 farmers in the Mandalay region's Sintgu Township staged a "plow protest" on August 14 to protest the 1991 confiscation of more than 6,000 acres in Nyaungwun village by the Myanmar army.¹¹² In a plow protest, farmers plow confiscated land to symbolize that it once belonged to them.¹¹³ According to the protesters, police opened fire on them, seriously wounding one woman and injuring two other protesters.¹¹⁴ The

protesters then attacked the police with slingshots and briefly held forty police officers captive in the town.¹¹⁵ The police claimed the protestors were the aggressors and have filed charges against the villagers for kidnapping.¹¹⁶ The protestors said they would file a lawsuit against the police for assault and destruction of property.¹¹⁷

On August 13, about 1,000 protestors marched to the government administration compound in the Sagaing region's Kantbalu Township to demand the return of their confiscated land and to ask for the release of dozens of villagers who were imprisoned for their prior protests of government land grabs.¹¹⁸ These protests followed the army's agreement to return a limited amount of confiscated land in Kantbalu, as described above. The protestors claimed that farmers who had confiscated land returned to them in recent years were subsequently prosecuted for trespassing after they began cultivating it.¹¹⁹ In Hpa-an Township, Karen State, over one hundred farmers staged a protest demanding the return of their land.¹²⁰ Elsewhere, farmers were sentenced to eight month prison terms for conducting plow protests in the Mandalay regions' Sintgai Township¹²¹ and sit-in protests in Yangon Region's Bahan and Pabedan Townships.¹²²

VI. Ethnic Violence

A. Violence Against Muslims

A disturbance in one of Rakhine state's refugee camps for displaced Rohingyas earlier in the month led to the fatal shooting of one Rohingya Muslim man and the detention of over a dozen others.¹²³ According to local police, the disturbance began with an altercation between one of the camp's residents and two people from a neighboring village who were at the camp to purchase goods.¹²⁴ The altercation escalated into violence when police arrived at the camp, and according to the police the situation developed into a "riot" that caused the police to discharge their firearms in an attempt to "scare off" camp residents who police say attacked them with slingshots.¹²⁵ According to the police, they fired at least nine such warning shots, with one accidental fatality.¹²⁶ Several other camp residents were detained, including the original parties to the dispute and several individuals accused of inciting the residents to violence.¹²⁷

Approximately 140,000 or more individuals have been displaced by Buddhist-Muslim violence in Rakhine state, and refugees are not permitted to leave the camps.¹²⁸ Another 40,000 reside in villages remote enough to be considered effectively isolated, according to Human Rights Watch ("HRW").¹²⁹ In addition, approximately 87,000 people in the border area between Myanmar and Bangladesh have attempted to flee violence by boat since mid-2012, including approximately 20,000 "irregular maritime departures" identified so far in 2014.¹³⁰ The number of departures appears to be up over the last 12-month period as compared to the previous period.¹³¹ Paying up to \$300 for passage, passengers report being exposed to illness, severe weather conditions, starvation and dehydration, and in some cases beatings from crews that in some instances included armed guards.¹³² As many as 200 people may have died so far attempting these journeys, which can take up to two months.¹³³ According to HRW, some of the passengers are held in jungle camps in Thailand while the smugglers demand money from their relatives for their safe passage, usually to Malaysia.¹³⁴

As noted in our July report, the government plans to implement a citizen verification process that would require Rohingya to identify themselves as "Bengalis" or face exclusion from

the census due to the government's refusal to acknowledge the term "Rohingya" as a group identity. Now the government is pressuring UN officials to avoid using the term as well.¹³⁵ Use of the term by officials has been curbed due to a desire to avoid inflaming conflict between Myanmar's Buddhist majority and Muslim minority, with the United States reportedly agreeing to back off the naming issue.¹³⁶ Some UN and human rights organizations have also avoided using the term, a move that has caused some rights activists to direct criticism at them.¹³⁷

Early in the month, authorities officially ended the curfew that had been established in Mandalay last month following the rioting described in our July report.¹³⁸ The curfew was increased in scope after a large number of residents attended a funeral procession while armed and set fire to a Muslim cemetery. The curfew was later scaled back after ten days once some stability had been restored, before being ultimately lifted.¹³⁹ Police report some 1,402 people in total were arrested for violating the curfew, with punishments ranging from a week in jail to three months in prison.¹⁴⁰ Despite the lifting of the curfew, restaurant owners were not allowed to keep their establishments open past 11 p.m., and the presence and mobility of police has been increased.¹⁴¹

B. Violence Between the Central Government and Ethnic Rebel Groups

Kachin and Shan State

August saw the Kachin Independence Army ("KIA") and government troops engage several times at a ruby mine located in KIA-controlled territory.¹⁴² According to the KIA, government troops entered the Sabaw Maw mine on the August 8, with more arriving two days later.¹⁴³ The government troops were repelled from the mine but seized and burned a KIA base located in a village nearby the mine; a similar attempt to capture a second KIA base was unsuccessful.¹⁴⁴ Miners say that four government soldiers were killed in the fighting, while the KIA claims to have suffered no casualties.¹⁴⁵ The fighting caused approximately 200 civilians to leave the area, most taking refuge in two churches located in a nearby village.¹⁴⁶ Around 120,000 civilians to date have been displaced by the regional fighting.¹⁴⁷

Government troops also clashed with the Ta'ang National Liberation Army ("TNLA") this month, with a dozen government troops and one civilian killed in the fighting.¹⁴⁸ According to the TNLA, ten government soldiers were killed in a 15-minute firefight when forces from both sides encountered one another on a road outside of Namkham.¹⁴⁹ The civilian casualty, Nyi Nai Jar, was shot by government soldiers following the engagement, according to a TNLA spokesperson.¹⁵⁰ Another civilian was taken to hospital.¹⁵¹ The TNLA also claims two government soldiers were killed in a separate clash with the TNLA.¹⁵² In spite of the fighting, August has seen fewer engagements compared to last month.¹⁵³ Nevertheless, residents have asked the President Thein Sein to order the withdrawal of troops from Shan State, complaining of displacement of people and destruction of property.¹⁵⁴ The request claims that some 3,000 troops have entered the area over the last two months and have used violence against residents and have occupied and destroyed farmland.¹⁵⁵

C. Peace Talks

August was a productive month for peace talks, building on last month's efforts by the Nationwide Ceasefire Coordination Team ("NCCT") and the government's Union Peace Working

Committee (“UPWC”) to bring ethnic rebel groups and the government together to advance a nationwide cease-fire. The UPWC met with NCCT representatives early in the month, with the government’s team expressing optimism that the meeting could be one of the last before an agreement is reached.¹⁵⁶ The NCCT members primarily seek the implementation of a federal system, and want to avoid the government’s calls to “disarm, demobilize and reintegrate” into the national military.¹⁵⁷

Following another meeting a week later, the leader of the NCCT said that the government agreed to establish a federal union, laying the foundation for autonomous governance in the ethnic states.¹⁵⁸ With another round of talks scheduled for next month, the government’s acceptance of the federal union point marks a significant step forward in the negotiations with the expectation now that the nationwide agreement may be signed in September, with further dialogue between the government and the various ethnic groups to follow in subsequent months.¹⁵⁹ According to the UPWC, there are “only a few paragraphs left” to be settled in the seven-chapter cease-fire agreement, although discussions still need to be held on the exact implementation of the federal political system, the transition period, and the number of groups both engaging in political dialogue and participating as signatories to the agreement.¹⁶⁰ The mid-August meeting was praised by both government negotiators and members of the ethnic groups, who expressed optimism at the progress of negotiations.¹⁶¹ NCCT members described the meeting as “remarkable,” noting that such open meetings between the ethnic groups and the government would not have been possible in the past.¹⁶² A spokesperson for the NLD noted, however, that the necessary political dialogue would still have to occur following the conclusion of any cease-fire agreement, and that ethnic groups must be closely involved in the process.¹⁶³

In addition, two other ethnic groups not represented by the NCCT – the United Wa State Army (“UWSA”) and the National Democratic Alliance Army (“NDAA”) – agreed to join the cease-fire agreement should it be finalized.¹⁶⁴ Both groups are already parties to individual cease-fire agreements with the government but want to join the nationwide agreement and participate in the subsequent political dialogue.¹⁶⁵ In addition, the Kachin Independence Organization, an influential rebel group in Kachin State and one of the main members of the United Nationalities Federal Council, has been urged by ethnic groups to join the nationwide accord as well.¹⁶⁶

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