

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MARCH/APRIL 2015 REPORT

Summary. This report reviews the March and April 2015 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 March 4, the Chinese government began evicting refugees who had fled to refugee camps set up on the Chinese side of the China-Myanmar border seeking to escape violence between the Myanmar National Democratic Alliance Army and government soldiers in the Kokang Self-Administered Zone of northern Myanmar.¹ Li, a worker, noted that the inhabitants of the Maidihe refugee camp had been told to leave while those at another camp in Nansan township had already been evicted.² A local aid worker speculated that the Chinese authorities' decision to begin evicting refugees was the result of the large number of refugees coming across the border.³ In addition, Chinese authorities were accused of preventing critical food and medicinal supplies from reaching certain refugee camps.⁴ According to estimates from Chinese aid workers the total number of refugees now encamped on the Chinese side of the border exceeds 100,000 persons.⁵ In addition, the World Health Organization and UN Children's Fund said there was an urgent need for immunizations to resume in Kokang, where approximately 35 percent of children are now at risk for certain deadly diseases.⁶

On March 11, United Nations representatives met with Myanmar government officials in order to discuss the government's request for international humanitarian support for the people displaced by the ongoing conflict in the Kokang zone of Shan State.⁷

On March 11, authorities beat and arrested more than 100 people out of a group of approximately 200 demonstrators in Bago region's Letpadan town opposing Myanmar's National Education Law, which detractors accused of curtailing academic freedom.⁸ New York based Human Rights Watch called the crackdown "a disturbing return to past unlawful tactics of [Myanmar's] military governments."⁹ Representatives of both the United States and the European Union urged the government to respect the right of individuals to assemble.¹⁰ Students had been on a 644 kilometer march which originated in Mandalay and was organized to protest the newly passed National Education Law; however, their progress had been halted at Letpadan earlier in the week by a government blockade erected in the town.¹¹ Amnesty International called the violent police crackdown an unnecessary and excessive use of force that should end immediately, describing the police response to protester action as "completely disproportionate . . . [including] eyewitness accounts and images of police beating fleeing demonstrators with batons."¹²

On March 26, the deputy director of the Russian atomic energy agency, Nikolay Spassky, told World Nuclear News that Myanmar had agreed to cooperate with Russia on certain nuclear matters, following a visit to Myanmar.¹³ The visit was objected to by both U.S. and E.U. officials.¹⁴

Ko Zarni, a farmers' rights defender and volunteer with the International Federation for Human Rights, is organizing the filing of a complaint with the International Criminal Court related to long-standing land-grab issues in Myanmar.¹⁵

A U.N. request to move approximately 10,000 Rohingya from "highly vulnerable" camps before the onset of the monsoon season was met with a tough response from Rakhine chief minister Maung Maung Ohn; the chief minister stated that the government would not support the provision of aid, education and health, nor allow such persons to move, unless they applied for Myanmar citizenship, including agreeing to register as "Bengalis".¹⁶ International humanitarian

organizations have urged the authorities to take urgent measures to improve living conditions (for instance at Nget Champ, which is built on marsh land and is “gradually sinking into the mud”), but the chief minister’s statement makes it clear that government’s intent is to hold firm to its position that humanitarian relief would be conditional upon Rohingya renouncing their claim to their ethnicity and complying with the government’s political demands.¹⁷ The chief minister was quoted as stating, “When I met with the Muslim community, I asked them, ‘Do you want to be Rohingya or Myanmar citizens? If you want to be Myanmar citizens then we can talk. But if you want to be Rohingya, we needn’t be talking as the government has announced that the name Rohingya is not recognized’.”¹⁸

On March 30, the BBC stated that one of its correspondents, Ko Nay Lin, was helping police with an inquiry following a report that he had been charged with assaulting a police officer during student-led protests in Mandalay on March 27.¹⁹ Police alleged that Ko Nay Lin punched a police officer during a dispute in which the reporter accused the police of knocking over a motorbike.²⁰

During a public hearing, Thai-based NGO Fortify Rights lobbied the U.S. Congress to downgrade Myanmar’s ranking on the forthcoming U.S. State Department Trafficking in Persons Report.²¹ The NGO accused the Myanmar government of not only failing to do enough to prevent human trafficking but actively contributing to it, with corrupt officials receiving payments in return for their complicity.²² The NGO focused specifically on problems in Rakhine State, where Myanmar’s Rohingya minority live.²³ A separate report by the U.N. Office for Drugs and Crime noted that economic inequality and the increasing ease of cross-border movement was likely to exacerbate human trafficking in 2015.²⁴ Anti-human trafficking police in Myanmar say that fewer than 30 cases of trafficking occurred in Myanmar during the first three months of the year, and not a single case was noted in Rakhine State.²⁵

On April 28, a Chinese foreign ministry spokesperson noted that army shells had fallen on Chinese territory and urged the Myanmar government to take effective steps to prevent such an incident from happening again.²⁶ Myanmar had already apologized to China for a separate cross-border bombing in earlier April by one of its aircraft that had killed five Chinese farm workers and wounded another eight.²⁷

On April 29, Amnesty International published an article expressing concern over the imprisonment of the “Unity Five” and questioning whether recent events in Myanmar were indicative of the government’s regression on promises to respect freedom of the press.²⁸ The “Unity Five” are five journalists who were arrested in early 2014 for reporting on an alleged secret chemical weapons factory built in the Magwe Region of Myanmar on land that was confiscated from farmers.²⁹ The journalists remain in prison today and are currently serving a seven year sentence (which has been reduced from the original sentence of ten years with hard labor).³⁰ The Amnesty report came roughly a week after the Committee to Protect Journalists (“CPJ”) released a report ranking Myanmar as the ninth-worst censorship offender globally.³¹ The CPJ ranking was significantly harsher than that of Reporters Without Borders, which earlier in the year had ranked Myanmar at number 144 out of the 180 countries on its World Press Freedom Index.³²

II. Civil and Political Rights

A. Election-Related Laws and Acts

On March 31, the Nationwide Ceasefire Coordination Team (“NCCT”) and government negotiators signed a declaration of support for a draft nationwide ceasefire accord.³³ The contents of the draft agreement have not yet been made public.³⁴

On April 10, a meeting was held to discuss constitutional reform and the upcoming elections.³⁵ The meeting was held among President Thein Sein, opposition leader Aung San Suu Kyi, parliamentary leaders, a representative of ethnic groups, and the Commander-in-Chief of the Myanmar Armed Forces Min Aung Hlaing.³⁶ According to Aye Maung, who was designated to represent the ethnic minorities’ interests, the primary topics were amendments to the Myanmar constitution and the elections.³⁷

In an effort to level the playing field for farmers and workers who wish to stand as electoral candidates, the New Era People’s Party (“NEEP”) has announced that it is considering lowering its minimum education requirements for its candidates.³⁸

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

On March 30, the police violently interrupted a peaceful protest in Letpadan involving about 200 students who were protesting in connection with their desire for an overhaul of the controversial National Education Law.³⁹ More than 120 students were arrested.⁴⁰

April 8, Po Po, a student activist, was arrested after participating in a demonstration in Yangon.⁴¹ The charges against Po Po include participation in an unlawful assembly, joining or continuing an unlawful assembly and rioting.⁴²

On April 14, San Zaw Htwe, an internationally recognized artist in Yangon, was arrested after displaying the following sign outside his home: “Wishing all sorts of bad luck towards the government, police and military and their thugs who heap trouble on the people.”⁴³ San Zaw Htwe spent 12 hours in custody, after which police failed to bring a charge against him.⁴⁴

C. Miscellaneous

The International Commission of Jurists (“ICJ”) and Amnesty International have made a fresh appeal to Myanmar’s parliament to reject or extensively revise a series of proposed laws that would entrench already widespread discrimination and risk fuelling further violence against religious minorities.⁴⁵ As discussed in our previous report, a package of four laws described as aimed to “protect race and religion” are currently at different stages in the parliamentary approval process and include provisions that are deeply discriminatory on religious and gender grounds.⁴⁶

“Myanmar’s parliament must reject these grossly discriminatory laws which should never have been tabled in the first place. They play into harmful stereotypes about women and minorities, in particular Muslims, which are often propagated by extremist nationalist groups,” said Richard Bennett, Amnesty International’s Asia-Pacific Director.⁴⁷

Amnesty International and the ICJ have conducted a legal analysis of the four laws and have found that:

- The Religious Conversion Bill stipulates that anyone who wants to convert to a different faith will have to apply through a state-governed body, in clear violation of the right to choose one's own religion.⁴⁸ It would establish local "Registration Boards," made up of government officials and community members who would "approve" applications for conversion.⁴⁹ It is unclear whether and how the bill applies to non-citizens, in particular the Rohingya minority, who are denied citizenship in Myanmar.⁵⁰ Given the alarming rise of religious tensions in Myanmar, authorities could abuse this law and further harass minorities.⁵¹ The Upper House has voted in favor of the Religious Conversion Bill.⁵²
- The Buddhist Women's Special Marriage Bill explicitly and exclusively targets and regulates the marriage of Buddhist women with men from another religion.⁵³ It blatantly discriminates on both religious and gender grounds, and feeds into widespread stereotypes that Buddhist women are "vulnerable" and that their non-Buddhist husbands will seek to forcibly convert them.⁵⁴ The bill discriminates against Buddhist women as well as against non-Buddhist men who face significantly more burdens than Buddhist men should they marry a Buddhist woman. Parliamentarians told the newspaper *The Irrawaddy* that the Lower House majority has approved the Buddhist Women's Special Marriage Bill.⁵⁵
- The Population Control Healthcare Bill – ostensibly aimed at improving living standards among poor communities – lacks human rights safeguards. The bill establishes a 36-month "birth spacing" interval for women between child births, though it is unclear whether or how women who violate the law would be punished.⁵⁶ The lack of essential safeguards to protect women who have children more frequently potentially creates an environment that could lead to forced reproductive control methods, such as coerced contraception, forced sterilization or abortion.⁵⁷ Parliamentarians told *The Irrawaddy* that the Lower House majority approved the Population Control Healthcare Bill this month, after the Upper House had already voted in favor the previous month.⁵⁸ The bill is now scheduled for a joint vote in Union Parliament, after which it could be signed into law by President Thein Sein.⁵⁹
- The Monogamy Bill introduces new provisions that could constitute arbitrary interference with one's privacy and family – including by criminalizing extra-marital relations – instead of clarifying or consolidating existing marriage and family laws.⁶⁰ This piece of legislation is yet to be discussed by the two houses of Parliament.⁶¹

III. Constitutional Reform

There had been some positive momentum toward constitutional reform earlier in 2015, with government officials announcing their intention to review constitutional amendment suggestions and hold a national referendum on an amended constitution in May.⁶² However, many

officials, including members of the Union Election Commission (“UEC”), had been doubtful as to whether a constitutional referendum would actually occur, given that the key logistics of the exercise presented a sizable obstacle to be overcome in a short time-frame.⁶³

On February 11, President Thein Sein approved a law allowing the referendum on changes to the Myanmar constitution.⁶⁴ At the time, officials stated that the official date of the referendum would soon be announced, with an expected timing of May 2015.⁶⁵ Still, others were skeptical that the referendum would actually occur this year, despite the law’s enactment.⁶⁶ In March, Myanmar’s Parliament confirmed that the national referendum on amending the 2008 Constitution would take place in May but did not specify an exact date.⁶⁷ According to Myanmar law, the date of the referendum must be declared 30 days in advance and the lists of eligible voters must be announced 15 days before the referendum.⁶⁸ Accordingly, for the referendum to take place in May, its exact date and the list of eligible voters would have to be released in April at the latest. However, Parliament has shown little indication that these deadlines will be met, and some critics are wondering whether the 2015 referendum will be cancelled at the last minute, as was the 2014 by-election.⁶⁹

In fact, a politician involved in high-level talks on the matter stated in April that the referendum is unlikely to take place in May 2015.⁷⁰ Aye Maung, the chairman of the Arakan National Party who was selected to represent ethnic interests in six-party reform talks with the country’s leading political figures, said Parliament had failed to make the necessary preparations required to hold the referendum within the proposed timeframe.⁷¹ He predicted that any constitutional referendum would occur in late June, if at all.⁷²

On March 2, President Thein Sein held a rare meeting with opposition leader Aung San Suu Kyi to discuss constitutional changes and the first election under the country’s new democratic system.⁷³ In only the fifth meeting between the two since the Suu Kyi’s release from house arrest in 2010, the talks coincided with a sharpening debate over the 2008 Constitution that grants a powerful political role to the military but bars Suu Kyi from becoming president.⁷⁴

Last December, following the government’s lukewarm response to a petition backed by five million people in favor of amending the Constitution, Aung San Suu Kyi had said that it was “too early” for her party, the National League for Democracy (“NLD”) to commit to the 2015 election.⁷⁵ Without Suu Kyi, the election would have lacked international legitimacy, risking the reinstatement of international sanctions that had been lifted in 2011 on condition of further democratic reforms.⁷⁶ On March 13, however, the NLD confirmed that it will contest the general election this year even if there is no change in the Constitution to allow Suu Kyi to become president.⁷⁷ While this might cost the NLD a bargaining chip with the ruling party by granting improved legitimacy to the election, the NLD hopes to gain ground in Parliament in order to be in a stronger position to amend the Constitution.⁷⁸

According to NLD Central Executive Committee Secretary Nyan Win, the NLD is considering alternative candidates for the presidency but has yet to decide on one.⁷⁹ Nevertheless, he confirmed that the NLD would not back former General Shwe Mann, the Speaker of Parliament and chairman of the ruling Union Solidarity and Development Party.⁸⁰

IV. Governance and Rule of Law

The Myanmar military has been the focal point of speculation regarding the future of rule of law in Myanmar, with some voices cautiously hopeful that the military will support the growth of democracy, while others hold a more critical view. Both viewpoints, however, recognize that a democratic transition will be unlikely, if not impossible, without the military's cooperation. One optimistic opinion highlights the progress the military has made toward transitioning, including the efforts made by Commander-in-Chief Min Aung Hlaing to evince a departure – if perhaps only in appearance – from the stern authority of military rule.⁸¹ Favorable views of Min Aung Hlaing in diplomatic circles include the notion that he understands the military's limitations when it comes to governing and that he supports a democratic process without military intervention.⁸² At the same time, others are skeptical that the military is truly willing to cede control, with some speculating that the government, including President Thein Sein, is receiving orders from the military old guard.⁸³ The opinion's author notes that in any case, the United States should seek to engage with Myanmar's military directly to encourage expansion of rule of law, rather than viewing them primarily as an obstacle to be worked around while face time is given to the civilian government alone.⁸⁴

At the same time, critics note that the military, under Commander-in-Chief Min Aung Hlaing's direction, continues to encroach on civilian matters and jeopardize a truly democratic rule of law.⁸⁵ They note that the current Minister of Home Affairs also serves in the nation's military which itself encourages deference to Min Aung Hlaing, creating a possible conflict of interest with the civilian government.⁸⁶ Equally troubling is the concern that President Thein Sein lacks the authority or ability to rein in the military, as evidenced by the ongoing conflict between the military and ethnic rebel groups, as well as the recent military bombing of Chinese territory.⁸⁷

Government officials' use of so-called "midnight inspections" also continues, harkening back to nearly a century of successive military rulers using it as a tool to suppress dissent and stymie political and other opponents.⁸⁸ The inspections, which are empowered by the Ward or Village Tract Administration law which requires state permission to host "guests" in a residence (including tenants in the case of residents who rent, rather than own, their residence), are little more than a pretext for the sudden and often unexplained detention of individuals targeted by the state.⁸⁹ The law looks unlikely to be repealed any time soon, with Member of Parliament Thein Nyunt stating that "[i]t's too early to speak of abolishing [the law]. You can't look at it solely from a human-rights perspective. We need stability first."⁹⁰ Thein Nyunt also stated that the law should be used "to protect, rather than oppress," noting the ongoing outbreaks of fighting with rebel groups; however, it is unclear whether the inspections are solely being used to target rebel fighters rather than suppress political and civil opposition.⁹¹

V. Political Prisoners

A United Nations investigator has reported that democratic reforms in Myanmar are being reversed at an accelerating rate, even during this election year.⁹² Among the key issues impeding reforms is Myanmar's record of political prisoners: Myanmar officially acknowledges 27 political prisoners, but 78 other activists have been detained on political charges, and 200 more are on trial.⁹³ Imprisonment for such charges is still lawful under outdated defamation and national security laws.⁹⁴

Meanwhile, activists conducted a campaign featuring former political prisoners, jointly organized by the Assistance Association for Political Prisoners and the Former Political Prisoners Society, with the hope of gaining international support for the release of detained students and political prisoners.⁹⁵ Grassroots efforts are also underway with the Hanthawaddy U Win Tin Foundation providing cash assistance to two political prisoners and 20 former political prisoners.⁹⁶

On the international scene, the U.N. General Assembly has adopted a draft resolution on human rights in Myanmar, which includes a statement urging the government to fulfil its commitment to the unconditional release of all remaining political prisoners, including all political activists, journalists, human rights defenders and peaceful protesters recently detained or convicted.⁹⁷

VI. Economic Development

A. Developments in the Legal Framework of Economic Development

On April 24, United Nations Secretary-General Ban Ki-moon convened a meeting on Myanmar, which he described as being on a “path of historic transition.”⁹⁸ The Secretary-General recognized the country’s “visible strides in many areas of socio-economic development,” but said much work remains.⁹⁹

On the banking front, Myanmar’s significant banking sector reforms have led to three foreign banks recently receiving licenses to open branches in the country.¹⁰⁰ Foreign banks opening branches were Bank of Tokyo Mitsubishi UFJ Ltd., Sumitomo Mitsui Banking Corporation and Overseas Chinese Banking Corporation.¹⁰¹ Historically, Myanmar had only permitted foreign banks to open representative offices in the country.¹⁰²

Myanmar is receiving assistance from Australia and Singapore with respect to implementing aspects of the International Organization for Standardization’s work on development programs (“ISO”).¹⁰³ The ISO’s goal is to establish business-friendly standardization infrastructure based on international systems as a means of promoting economic development.¹⁰⁴

B. Developments in Foreign Investment and Economic Development Projects

For the fiscal year that began in April, Myanmar is targeting an economic growth of 9.3%, which a report attributes to an “unprecedented amount of foreign investment and rapid expansion in its nascent telecoms sector.”¹⁰⁵

Outside of telecoms, Myanmar is making progress on textile garment industry exports.¹⁰⁶ The country will be expanding its textile and garment industry pursuant to a new national export strategy that is expected to increase exports in this industry by US \$2 billion for this fiscal year.¹⁰⁷

C. Land Seizures

The international spotlight shifted back to Myanmar’s land seizure issues this month. A human rights group called Global Witness, based in the United Kingdom, released a report on its 18-month investigation focusing on northeastern Shan state, which borders China.¹⁰⁸ The report concluded that over the past decade, 5.3 million acres have been leased to investors for

commercial agriculture without the consent of landowners.¹⁰⁹ To effect this grab, the area's "regional military command collaborated with district government and private companies to confiscate land"—a majority of confiscation taking place in 2006.¹¹⁰ Soldiers would show up on land unannounced to help company representatives appropriate land.¹¹¹ Rubber plantations cover more than a quarter of this area.¹¹² 98 percent of affected landowners received no compensation, despite having land tax receipts as proof of ownership.¹¹³

Human rights activists are preparing to file a test case with the International Criminal Court ("ICC"), characterizing Myanmar's land grabs as a crime against humanity.¹¹⁴ Pyidaungsu Hluttaw's land confiscation commission, apparently severely underestimating the amount of land confiscated during military rule, reports that 6 million acres of farmland were confiscated throughout the country; it admits, however, that only roughly 4 percent of this land has been returned.¹¹⁵ One activist, Ko Zarni, explained that if they can file a land dispute with the ICC, farmers could "score a moral victory and recover some dignity."¹¹⁶ Ko Zarni also noted that they fear citizens may receive retaliation.¹¹⁷ One possible test case concerns the Myo Tha Industrial garden, for which the government seized 10,000 acres of land from farmers without adequate compensation.¹¹⁸ This case would be ideal, Ko Zarni elaborated, because the incident is both recent and well documented.¹¹⁹

Meanwhile, government attempts to provide legal cover for past seizures continue. In Pauk township, where in 2008 30,000 acres of land were taken for the construction of a military factory, the government distributed retroactive notices announcing the legal confiscation and inviting residents to object.¹²⁰ The notice stated that the land was seized under the 1894 Land Acquisition Act, which requires notice be given 14 days before the seizure.¹²¹ However, the notices were distributed on March 18—six days after the deadline stated in the notice to file an objection had passed.¹²² An adviser to President Thein Sein, Zaw Min, clarified that this law provides residents one month after receipt of the notice to file an objection.¹²³

April was largely quiet on the land seizure front. On April 20, Foreign Policy magazine published a powerful article on the issue of land seizure in Myanmar.¹²⁴ The article was noteworthy in many respects. It transmitted important facts, including that 11,000 cases of land theft have been reported to Parliament's Farmland Investigation Commission ("FIC"), and that Thein Aung, head of the Freedom Farmers League, estimates that roughly five percent of all farmers are involved in a land dispute.¹²⁵ The article suggests that the land seizure movements are about more than just land: they are also a reaction to the elite's narrow vision of economic development—in which even opposition leader Aung San Suu Kyi is complicit—and how these elites use the "rule of law" to advance this vision.¹²⁶ Finally, growing frustrated with impotent legal avenues, some farmers have taken to more drastic measures, including holding Buddhist/occult cursing ceremonies aimed at the wrongdoers and continuing to work land even though it has been confiscated.¹²⁷

Indeed, on April 28, farmers who participated in a "plough protest" in August of last year were found guilty.¹²⁸ During the plough protest, hundreds of residents from Solyaku village staged a symbolic ploughing of land they say was wrongly seized by the military.¹²⁹ The five leaders of the protest were prosecuted for trespassing on August 29, and on April 28, three of them were found guilty and ordered to spend 15 days in prison or pay a 500 kyat (US \$0.50) fine.¹³⁰ Around 500 people converged on the courthouse to protest this verdict. Even though the sentence was

light, the protesters felt they could “not accept a guilty verdict against them for ploughing their own land that they inherited from their ancestors,” according to Thae Rah, chairman of the Karenni State Farmers Union.¹³¹

VII. Ethnic Violence

A. Violence Against Muslims

According to a report by Yanghee Lee, United Nations special rapporteur on human rights in Myanmar, there has been “no improvement” for displaced Rohingya Muslims since her previous visit in July.¹³² In fact, Ms. Lee reported “a growing atmosphere of fear, distrust and hostility” during her latest visit, as well as “abysmal” conditions at a camp for displaced Muslims.¹³³

The Asean Parliamentarians for Human Rights, a group of regional lawmakers, said in a statement in April that the 10-member Association of Southeast Asian Nations must abandon its policy of not interfering in each other’s affairs, noting the crisis of the Rohingya in Myanmar.¹³⁴ Following a fact-finding mission in Myanmar, the Parliamentarians released a report on the Rohingya crisis, which was sent to Asean leaders, along with an appeal letter, which noted that the “protracted culture of abuse and resulting high risk of atrocities threaten Myanmar’s political transition, put strains on regional economies and support the rise of extremist ideologies that pose security threats throughout Southeast Asia.”¹³⁵

B. Violence Between the Union Government and Ethnic Rebel Groups

Violence between the government and ethnic Kokang rebels continued, with fresh clashes in March resulting in the deaths of three rebels and 13 army officers and the wounding of 28 others, according to the Ministry of Information.¹³⁶ The Ministry of Information indicated that the government army was attacked by five small groups of soldiers from the Myanmar National Democratic Alliance Army (“MNDAA”) in the former rebel stronghold of Laukkai in Shan State.¹³⁷ In addition, local sources indicated to Radio Free Asia that intense fighting in the Kokang region towards the end of March left more than 100 people dead, the majority of them on the government side.¹³⁸ Heavy fighting from April 10-16 resulted in the deaths of 16 government troops and the injury of 110 people, with further fighting in April resulting in dozens more casualties.¹³⁹ In addition, in late April, Kokang rebels claimed to have killed dozens of government soldiers and seized numerous small arms while fighting off an army attack on a rebel base in Laukkai Township.¹⁴⁰

As indicated in our previous reports, the ongoing fighting between government troops and Kokang rebels in northern Shan State has resulted in tens of thousands of refugees fleeing to China; according to The Irrawaddy, authorities in China’s Yunnan Province are urging thousands of such refugees in their area to return to Myanmar.¹⁴¹ According to a lawmaker who represents Laukkai township, the Chinese believe hosting the refugees any longer would strain relations with Myanmar.¹⁴² Further, refugees who have returned to Laukkai have indicated that living conditions in the area remain difficult, as authorities have failed to provide food, shelter and basic amenities, while fighting continues nearby.¹⁴³

In addition to the ongoing refugee crisis resulting from the Kokang clashes, a briefing released by the Shan Human Rights Foundation has alleged that the government army killed,

injured and tortured at least 10 ethnic Kokang civilians while it was fighting Kokang rebels in Shan State.¹⁴⁴ The group indicated that these individual cases represented probably only a small part of the number of abuses committed against civilians during the conflict.¹⁴⁵ Indeed, refugees in the Kokang region have accused the Myanmar government troops of gang rape, beatings and shootings of unarmed civilians during the conflict, as a bid to terrorize the local population.¹⁴⁶

In late March, officials in Kachin State reported that the government army launched an aerial attack on a rebel base along a timber trade route near the China border.¹⁴⁷ A spokesperson for the Kachin Independence Organization, Daung Khar, indicated that minor clashes continued after the attack.¹⁴⁸ Apparently no rebel casualties were reported, though Daung Khar indicated that several government troops had been killed in the clashes (the government army could not be reached for comment).¹⁴⁹ According to a Kachin State official, the Kachin Independence Army ultimately withdrew all troops from the area to avoid casualties.¹⁵⁰ Fighting in Kachin State continued in April.¹⁵¹ In addition, at the end of March, fighting broke out between government troops and the Arakan Army in western Myanmar, in what is apparently the first time in a decade that Arakanese rebels in that region have clashed with the army.¹⁵² According to a report from the Arakan Information Department, two army soldiers were killed and two detained in the fighting, while the Arakan Army suffered no casualties.¹⁵³ Additional clashes between government troops and the Arakan Army were reported in April.¹⁵⁴

C. Peace Talks

March saw some progress in the ongoing nationwide peace discussions, with ethnic representatives and a government official reaching an agreement in principle on the text of a nationwide ceasefire agreement.¹⁵⁵ However, a number of key points that had been a previous source of disagreement among the government and the NCCT were left out of the agreement and will instead need to be addressed as part of a political dialogue that is to follow the signing of an accord.¹⁵⁶ The draft agreement has not been made public, and no date has been set for the follow-up political dialogue, with ethnic groups noting that they will first convene a summit to discuss the proposed agreement amongst themselves.¹⁵⁷

In addition, a leader of the NCCT has accused the government of exaggerating the significance of the agreement in principle, which was hailed by the state media as an “historic” breakthrough.¹⁵⁸ The Ethnic Nationalities Affairs Center (“ENAC”) released a statement with a similar sentiment, noting that the nature of the agreement reached had been “misunderstood,” clarifying that, although many in the media and international community think the parties signed a nationwide ceasefire agreement, this is in fact not true – and rather, five representatives from each of the NCCT and the government’s negotiating body, the Union Peacemaking Working Committee, signed a joint statement affirming completion of the draft agreement text.¹⁵⁹

- 1 Radio Free Asia, March 4, 2015: <http://www.rfa.org/english/news/myanmar/forces-03042015105029.html>.
- 2 *Id.*
- 3 *Id.*
- 4 Radio Free Asia, March 3, 2015: <http://www.rfa.org/english/news/myanmar/camps-03032015102947.html>.
- 5 *Id.*
- 6 Myanmar Times, March 3, 2015: <http://www.mmtimes.com/index.php/national-news/13330-un-calls-for-immunisation-to-continue.html>.
- 7 Myanmar Times, March 11, 2015: <http://www.mmtimes.com/index.php/national-news/13457-un-meets-government-over-kokang-aid-request.html>.
- 8 Radio Free Asia, March 11, 2015: <http://www.rfa.org/english/news/myanmar/probe-03112015160013.html>.
- 9 *Id.*
- 10 *Id.*
- 11 Radio Free Asia, March 6, 2015: <http://www.rfa.org/english/news/myanmar/arrests-03062015180351.html>.
- 12 Amnesty International, March 10, 2015: <https://www.amnesty.org/en/articles/news/2015/03/myanmar-violent-crackdown-on-protesters/>.
- 13 Myanmar Times, April 3, 2015: <http://www.mmtimes.com/index.php/national-news/13885-myanmar-and-russia-boost-nuclear-cooperation.html>.
- 14 *Id.*
- 15 Myanmar Times, March 27, 2015: <http://www.mmtimes.com/index.php/national-news/13771-rights-group-to-submit-land-grabs-to-icc.html>.
- 16 Myanmar Times, March 27, 2015: <http://www.mmtimes.com/index.php/national-news/13776-rakhine-chief-takes-tough-line-on-un-request-to-move-idps.html>.
- 17 *Id.*
- 18 *Id.*
- 19 Myanmar Times March 31, 2015: <http://www.mmtimes.com/index.php/national-news/13835-bbc-reporter-to-meet-police-over-officer-assault-claims.html>.
- 20 *Id.*
- 21 Myanmar Times April 24, 2015: <http://www.mmtimes.com/index.php/national-news/14107-myanmar-under-pressure-over-human-trafficking-in-rakhine.html>.
- 22 *Id.*
- 23 *Id.*
- 24 Myanmar Times, April 29, 2015: <http://www.mmtimes.com/index.php/national-news/14170-human-smuggling-set-to-become-even-bigger-plaint.html>.
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