

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## NOVEMBER 2015 REPORT

**Summary.** This report reviews the November 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. Political Developments**

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

The November 8 elections resulted in the National League for Democracy (“NLD”) winning 887, or 77.1%, of the 1,150 total contested seats in the elections, giving the NLD a majority in both the upper house (*Amyotha Hluttaw*) and the lower house (*Pyithu Hluttaw*) of the

Myanmar parliament.<sup>1</sup> Of the NLD's 887 parliamentary seats, 135 came in the upper house (constituting 80.4% of the non-military contested seats, and 60.3% of all upper-house seats), while 255 came in the lower house (constituting 77.9% of the non-military contested seats, and 58.0% of all lower-house seats).<sup>2</sup> The NLD won its remaining 497 seats in Myanmar's seven regional and seven state assemblies.<sup>3</sup> After accounting for the 25% of seats allocated to the military, plus seven vacant seats in the lower house, the NLD will hold 390 seats, or 58.7% of all seats in the combined houses of the Myanmar national parliament.<sup>4</sup>

By contrast, the Union Solidarity and Development Party ("USDP") came in a distant second, winning 117 total seats in the elections. Of the USDP's 117 parliamentary seats, 12 came in the upper house (constituting 7.1% of the non-military contested seats, and 5.4% of all upper-house seats), while 30 came in the lower house (constituting 9.2% of the non-military contested seats, and 2.7% of all lower-house seats).<sup>5</sup> The USDP won its remaining 75 seats in Myanmar's seven regional and seven state assemblies.<sup>6</sup>

The Union Election Commission ("UEC") noted that 1,118 international observers and 9,406 domestic observers from 13 organizations, along with 291 individuals from 45 foreign media organizations, were watching the elections closely.<sup>7</sup> Representatives from one of those organizations, the Carter Center, noted that they were welcomed to the polling stations and that polling stations were not warned in advance that the Carter Center team would visit.<sup>8</sup> Similarly, an election observer from the Asian Network for Free Elections (ANFREL) stated that his initial impression of the vote was that it was smooth, peaceful and orderly.<sup>9</sup> U.S. Secretary of State John Kerry stated that the voter turnout was a "testament to the courage and sacrifice shown by the people of Burma over many decades," while noting that there remains several impediments to a full democratic and civilian government, including the large number of unelected seats reserved for the military, the disfranchisement of minorities such as Rohingya Muslims and the "arbitrary" disqualification of certain candidates.<sup>10</sup>

With its absolute majority, the NLD will have the ability to select the next Myanmar President, First Vice President and Second Vice President.<sup>11</sup> Under Myanmar's quasi-presidential system set up by the former military junta, the combined houses of the national Parliament will form an electoral college to vote on three candidates for President. The individual with the most votes will become President, the runner-up will become First Vice President and the third-place candidate will become Second Vice President.<sup>12</sup> Although Aung San Suu Kyi is banned from the presidency under the Myanmar Constitution, most expect that the next president will likely be a close Aung San Suu Kyi ally.<sup>13</sup>

At her last news conference in Yangon before the elections, Aung San Suu Kyi had claimed she would be "above the president" if the NLD were to win the elections, and argued that such a position would not be prohibited by the Constitution.<sup>14</sup> At the time, her comments were viewed as merely an effort to reassure her supporters that a vote for the NLD would essentially be a vote for Aung San Suu Kyi.<sup>15</sup> However, two days after the elections, Aung San Suu Kyi reiterated such claims, stating, "The president will be told exactly what he can do, but that won't stop me from making all the decisions. [The president] will have to understand this perfectly well that he will have no authority. He will act in accordance with the decisions of the party."<sup>16</sup> Aung San Suu Kyi made it clear she will run the country regardless of who the NLD

elects as president and described the constitution barring her from presidency because she was married to a foreigner and her children are foreign nationals as “very silly.”<sup>17</sup>

In the wake of such claims, some are becoming concerned that NLD opponents may use Aung San Suu Kyi’s comments as the basis for a legal challenge to the election results.<sup>18</sup> Because Clause 58 of the Constitution states that the President “takes precedence over all other persons” in the country, there may be constitutional issues with Aung San Suu Kyi or others directing the next President’s administration.<sup>19</sup>

In addition, some raised concerns that the USDP may challenge specific election results based on certain NLD politicians’ campaign spending.<sup>20</sup> Although it appears that the NLD candidates at issue at worst transgressed the party’s own self-imposed spending limit of 5 million kyat (USD \$3,885)—an amount that is half of the national legal limit—Aung San Suu Kyi nevertheless scolded the politicians at post-election meetings.<sup>21</sup> An NLD official noted that “[w]e’ve won by a landslide and we don’t want to give the ruling camp any excuse to strip us of our firepower in the parliament.”<sup>22</sup>

Despite these concerns and signs of NLD mistrust towards the USDP, the current ruling party has publicly expressed its willingness to cooperate and support the new NLD leadership. Following the elections, incumbent president Thein Sein congratulated Aung San Suu Kyi and the NLD on their victory, promising that his current government will “respect and obey the election results and transfer power peacefully.”<sup>23</sup> Commander-in-Chief of the Myanmar Armed Forces, Senior General Min Aung Hlaing, after a meeting conducted within the Tatmadaw’s top ranks, also took to Facebook to congratulate Aung San Suu Kyi, vowing that the Tatmadaw will cooperate with the new government following the transition.<sup>24</sup> President Thein Sein stated that he would meet with Aung San Suu Kyi on the morning of December 2, at the president’s house in Naypyidaw.<sup>25</sup> Min Aung Hlaing also confirmed that he would meet Aung San Suu Kyi later that day.<sup>26</sup>

In an interview with the Washington Post, Min Aung Hlaing vowed to uphold the election results and indicated that he is willing to work with Aung San Suu Kyi.<sup>27</sup> “The important thing is the long-term national interest of our country. If we have good results for our country, we can work together – there are so many ways to cooperate,” he said.<sup>28</sup> Min Aung Hlaing outlined three developments he saw as necessary for Myanmar to become stable: an end to armed ethnic conflict, a maturing multiparty democratic system and better relations between the ethnic groups and the government.<sup>29</sup> When asked whether the military would transfer more power to the incoming civilian government, Min Aung Hlaing answered that “it would depend on the stability of our country and people understanding the practice of democracy.”<sup>30</sup>

## **B. International Community and Sanctions**

Anticipation is rising among blacklisted Myanmar companies and American business groups interested in promoting greater investment in Myanmar that the U.S. will ease economic sanctions against Myanmar in the coming months in response to Washington’s generally positive reviews of the November elections.<sup>31</sup> U.S. officials have stated repeatedly since the election that it is too soon to say whether there will be any major change in economic policy.<sup>32</sup> Although the elections were conducted peacefully and resulted in a decisive victory for the NLD that has been

accepted by the military-linked establishment, important issues remain unresolved.<sup>33</sup> While Aung San Suu Kyi's advisers have indicated that she will continue the pro-business policies of her predecessors, her team has provided few details regarding economic policies or future leadership. In a recent interview with the Washington Post, Aung San Suu Kyi expressed her belief that the sanctions should be eased, stating that she does "not see why they would need to keep sanctions on" if a democratic government is in power.<sup>34</sup> Influential U.S. Senators Mitch McConnell and John McCain hinted that they would support easing sanctions, stating in a November resolution that President Obama should "consider the potential relaxation of restrictions" if the handover from the ruling party to the NLD proceeds as planned.<sup>35</sup>

### **C. Constitutional Reform**

After President Obama congratulated Aung San Suu Kyi on the NLD's success in the "historic" November elections, the White House spelled out additional steps it believes are necessary to further democracy in Myanmar.<sup>36</sup> Ben Rhodes, a senior White House foreign policy aide, noted that the White House has "consistently said over the course of the last several years that a full transition to democratic, civilian rule in Burma would require a process of constitutional reform."<sup>37</sup> In particular, Rhodes flagged the constitutional provisions that reserve 25% of Myanmar's parliament seats for the military and that bar Aung San Suu Kyi from the presidency as especially concerning.<sup>38</sup> After a process of Myanmar's Parliament being seated and a president being appointed, Rhodes said "at some point, it will be up to that new parliament and to those leaders to make determinations about the reform and the constitution."<sup>39</sup> He expressed optimism, however, that Aung San Suu Kyi would be in a very strong position as the leader of the NLD to be a leading voice about the future direction of the country.<sup>40</sup>

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

### **A. Press and Media Laws/Restrictions**

Following the general elections, many media observers have acknowledged that press freedoms were generally respected during the campaign. Democracy Reporting International ("DRI"), an independent international media monitoring group, has not alleged any violence against journalists during the election period.<sup>41</sup> The Asian Network For Free Elections ("ANFREL"), an independent international election observer, has also not reported or alleged any physical threats against journalists during the same period.<sup>42</sup>

Nevertheless, ANFREL expressed concerns that arrests made prior to the election period, including the arrests of activists who shared political jokes via Facebook, had a chilling effect on the media's reporting of certain issues that may have been sensitive topics to the military.<sup>43</sup> Ten journalists remain jailed for alleged violations of the 2014 Media Law or its predecessor laws.<sup>44</sup>

In addition, the unexplained October 2014 death in military custody of freelance journalist Aung Kyaw Naing, arrested while reporting from an area in southwestern Myanmar held by the rebel Democratic Karen Benevolent Army, potentially added to the media's apprehension.<sup>45</sup> No military officials have been held accountable for his death, despite a complaint filed by his widow.<sup>46</sup>

The Myanmar Election Media Analysis 2015 (“MEMA”), conducted by Myanmar’s Mizzima Media Group together with META Communication, an Austria-based media monitoring company, found that media coverage in October 2015 focused heavily on the NLD, with a slight increase in coverage on the topic of democratic reforms.<sup>47</sup> Disparities between state and private media appear to have persisted. While state media emphasized the activities of President Thein Sein, cabinet members and military officials, private media focused on the NLD and opposition.<sup>48</sup> This shows that the flow of news and information in Myanmar has become more open even since 2011, when newspapers potentially faced penalties for reporting on or publishing pictures of Aung San Suu Kyi.<sup>49</sup>

## **B. Freedom of Association/Religion**

In the Western regions of Rakhine, the Arakan National Party (“ANP”), an outspokenly anti-Muslim Buddhist nationalist party, garnered strong election results on a platform hostile to Myanmar’s minority Muslim population and the Rohingya refugees.<sup>50</sup> Such anti-Muslim sentiment was a theme in the months of campaigning in Rakhine State, most outwardly demonstrated by the Buddhist Committee for the Protection of Nationalism and Religion (Ma Ba Tha).<sup>51</sup>

Although NLD and USDP candidates trounced Ma Ba Tha in the general elections, it is notable that even the NLD felt the need to appease anti-Muslim sentiment. On a campaign visit to Rakhine State, Aung Sun Suu Kyi herself declared that she would not allow the “Rohingya to take over Rakhine State.”<sup>52</sup> Muslim nationalist opposition was minimal and across the country only 28 Muslim candidates ran for national representation, none of whom successfully won seats.<sup>53</sup>

Aside from electoral politics, the plight of Myanmar’s Muslim minority in Rakhine State remains an issue, as does the continuing crisis of Muslim Rohingya refugees fleeing Bangladesh and Western Myanmar, where cultural identities are divided by political borders. Although the union government denies persecution of domestic Muslims and continues to apprehend refugees fleeing by boat through its coastal waters,<sup>54</sup> the United Nations this month reiterated its concern as to both issues and has now called for full citizenship for Rohingya people of Myanmar.<sup>55</sup>

Meanwhile, anecdotal reports of persecution also persist. For example, reports surfaced of government officials taking Muslim-owned livestock to be redistributed to Arakanese Buddhist farmers settling in a largely Muslim Township on the border with Bangladesh.<sup>56</sup>

## **C. Official Corruption**

During a session of the Myanmar Parliament’s lower house on November 24, outgoing lawmaker Tin Maung Oo asked Mya Win, chairman of Myanmar’s Anti-Corruption Commission (“ACC”), what measures had been taken against cases of bribery and corruption, and whether these measures had been successful.<sup>57</sup> In his reply, Mya Win stated that the ACC had not made any plans to audit the possessions of government officials, citing the 18-month delay in the Parliament’s passage of bylaws to determine the commission’s funding and implementation.<sup>58</sup>

Numerous lawmakers have criticized the ACC, which is largely composed of retired high-ranking military officers directly appointed by President Thein Sein, claiming that the body

is ill-equipped to tackle rampant corruption in the Myanmar bureaucracy.<sup>59</sup> Mya Win told the Lower House on Monday that the commission had so far taken legal action against nine government employees, with a further 125 people reprimanded for violating the civil service code of conduct.<sup>60</sup> Furthermore, the ACC had recovered less than USD \$16,000 in compensation payments since its formation in March 2014.<sup>61</sup>

On November 21, more than 100 people were killed in a jade mine landslide in Hpakant, Kachin State, a remote outpost in northern Myanmar.<sup>62</sup> As Global Witness reported in October, Myanmar's jade extraction industry, worth an estimated USD \$31 billion as of 2014, is dominated by the country's military figures and their associates.<sup>63</sup> As the resulting death toll continues to rise, the landslide will likely draw attention to the corruption underlying the jade industry in Myanmar.<sup>64</sup>

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

Following the NLD's decisive victory in the general elections, the primary political focus has shifted to whether the NLD's transition to power will be a smooth one, or whether the incumbent party or the military will refuse to accede as they did following the 1990 election.<sup>65</sup> In the efforts to secure a successful and peaceful transition to power, Aung San Suu Kyi has met with outgoing Parliament speaker, Shwe Mann, who has indicated his willingness to cooperate with the transitioning of political power to the NLD.<sup>66</sup> Nevertheless, with Shwe Mann's loss of substantial political capital following his ouster from the chairmanship of the USDP earlier in 2015, his assurances alone will likely not be sufficient for the NLD to achieve a proper democratic transition.<sup>67</sup> President Thein Sein and Min Aung Hlaing, who have expressed support for a democratic transition, have purportedly agreed to meet with Aung San Suu Kyi, but such meetings have been postponed.<sup>68</sup>

Despite her party's success in the elections and evident popularity among the electorate, Aung San Suu Kyi is not without her critics. One editorial from the Canada-based non-profit Centre for Research on Globalization ("CRG") portrays her as "Myanmar's new 'democratic dictator,'" cautioning against the rush of enthusiasm at the changing of the Myanmar guard.<sup>69</sup> The author alleges that Aung San Suu Kyi and the NLD, along with a number of allied NGOs, have been underwritten with funds from foreign backers whose ultimate goal is to get to Myanmar's industry and resources via the party and its leader, who are publicly supportive of foreign investment.<sup>70</sup> The author goes on to criticize Aung San Suu Kyi for comments she made following her party's sweeping victory, including her affirmative response to the question of whether she intends to run the country as president in all but name,<sup>71</sup> rebuking her reply as a "flagrant disregard for the rule of law," in direct contrast to her long time pledge to champion that democratic principle.<sup>72</sup>

Perhaps more troubling is the CRG's other main criticism: that Aung San Suu Kyi and the NLD have disenfranchised and further marginalized Myanmar's Rohingya.<sup>73</sup> Aung San Suu Kyi has been heavily criticized for her failure to speak out in support of the Rohingya, favoring instead the political expediency of avoiding a backlash from the nation's Buddhist majority. However, the CRG's editorial takes the critique a step further, claiming that the NLD in fact supported the vocal—and often violent—demonstrations by Buddhists, including many monks, aimed at coercing the government into keeping the Rohingya stripped of their voting rights.<sup>74</sup>

Regardless of the truth of CRG’s claims, it is difficult to dispute that the NLD’s victory bears little optimism for the Muslim minority. A senior NLD leader commented, “[w]e have other priorities” than improving the massively disadvantaged lives of the Rohingya.<sup>75</sup> He went on to say that the issue would likely have to be dealt with by “returning” them to Bangladesh, voicing the common opinion within Myanmar that the Rohingya—who are not afforded Myanmar citizenship—are illegal immigrants from the neighboring country.<sup>76</sup>

#### **IV. Economic Development**

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

Efforts to combine two key investment laws—the Myanmar Citizens Investment Law (enacted in July 2013) and the Foreign Investment Law (enacted in November 2012)—continued in November, with the lower house of Myanmar’s Parliament approving amendments.<sup>77</sup> The amendments generally enable regional governments to have more input in the foreign direct investment approval process. In particular, the Myanmar Investment Commission would be permitted to delegate power regional authorities, depending on the type of business.<sup>78</sup> The delegation-related amendments are intended to expedite both the approval process and regional economic development.<sup>79</sup>

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

Foreign investors continue to monitor Myanmar’s political transition. A senior legal advisor to Aung San Suu Kyi, has commented that foreign investors can expect to do business more easily under the incoming government.<sup>80</sup> In an interview with the *South China Morning Post*, Robert Pé recognized the labyrinth of regulations that face foreign investors and noted that Myanmar needs “to reduce the amount of regulation and just make it easier for businesses to operate, both foreign and domestic businesses.”<sup>81</sup>

Despite these assurances, some investors who have reached existing agreements to invest in Myanmar organizations with the blessing of the USDP have viewed the NLD’s victory with some measure of apprehension.<sup>82</sup> Nevertheless, Aung San Suu Kyi has assured investors and current business owners—principally military members who control several large conglomerates—that they will be able to realize the future economic benefits of their existing arrangements under the NLD’s new regime.<sup>83</sup> Meanwhile, those involved in smaller and startup business ventures are optimistic that they will have the opportunity to compete fairly for fresh capital entering the country.<sup>84</sup>

Despite the apprehension of some Myanmar capitalists, at least one is more confident. Former parliament member and U.S. blacklisted crony, Khin Shwe, has built a large construction conglomerate largely through his ties to the incumbent government and the former military junta.<sup>85</sup> Expressing his belief that the NLD’s victory at the polls will not damage his fiscal position, Shwe stated that “[w]hen the investments come in, there is no one else apart from us, the ‘cronies’, who will be able to work on the same level as the foreign investors.”<sup>86</sup> To his point, Myanmar’s largest and most profitable sectors are firmly in the hands of a few select, well-connected groups. Although the NLD may be able to usher in new capital that could be available to smaller, more modern ventures, many foreign investors seeking Myanmar allies will

likely opt to partner with established and experienced businesspeople such as Shwe.<sup>87</sup> Recognizing the power shift as an opportunity to attract more foreign capital, Shwe has shifted his political allegiances from outgoing President Thein Sein to Aung San Suu Kyi, who he refers to as “Big Sister.”<sup>88</sup>

### **C. Land Seizures**

This month, the 88 Generation Peace and Open Society released a land conflict report entitled “Farm and Farmers’ Tears.”<sup>89</sup> The report surveyed all of Myanmar, and found 354 cases of land conflict in 2014-15, most occurring in Rakhine (105) and Shan (81) states.<sup>90</sup> Almost all of the reported instances of land conflicts involved land confiscation.<sup>91</sup> Of the 314 instances of land confiscations, 120 plots of land were confiscated by government ministries, 109 by the military, 49 by companies, 28 by social organizations, and 28 for infrastructure projects.<sup>92</sup> Min Ko Naing from 88 Generation and Open Society stated that the group released the report this month because they want the incoming members of parliament to “know about land conflict and consider it seriously.”<sup>93</sup> “Some people have signed agreements under threat of force and got little compensation. They cannot go to the court for their justice because they have already signed the agreement,” he said. The report urged the government to increase legal protections for farmers.<sup>94</sup>

Perhaps not coincidentally, the government’s Land Utilization Management Committee released a statement this month claiming that 95% of all confiscated lands—some 350,000 acres—have been returned to farmers.<sup>95</sup> The 88 Generation and Open Peace Society, in response to this statement, stated that much of the land was not “returned” to the original owners at all.<sup>96</sup> Government officials gave confiscated land to friends and allies instead of “returning” it.<sup>97</sup> Moreover, some lands were returned to the tenant farmers that had been working the land, not to the owners, and other owners were not provided with the proper documentation that permits them to work the land without fear of future interruption.<sup>98</sup> The 88 Generation and Open Peace Society maintains that the majority of the farmers they communicate with, “who are the rightful owners, did not get their land back.”<sup>99</sup>

In the Mandalay region, farmers had been continuing to plant on disputed land as an act of political defiance.<sup>100</sup> Days before the harvest, a masked man drove a tractor onto the crops and destroyed them.<sup>101</sup> The affected farmers have asked authorities to investigate and to bring criminal charges.<sup>102</sup>

## **V. Ethnic Violence**

### **A. Peace Talks**

The government has encouraged non-signatories to last month’s peace pact to enter discussions about joining the pact.<sup>103</sup> The government’s peace negotiating body has proposed talks with the Shan State Army-North, one of the non-signatories.<sup>104</sup> Talks are also being arranged between the government and the Shan State Progress Party (“SSPP”).<sup>105</sup> Reports indicate that, despite the November 30, 2015 deadline, it is unclear whether the SSPP has accepted the outlined terms of a peace deal.<sup>106</sup>

As part of the original ceasefire agreement, participants agreed to identify a framework for future peace negotiations by December 14, 2015 and to commence additional political



dialogue by January 13, 2016. Since the original agreement, the government has indicated that non-signatories may take part in the process leading up to this political dialogue.<sup>107</sup>

In November, the signatories also agreed to a code of conduct and selected the members of the Joint Monitoring Committee.<sup>108</sup> The joint committee is made up of 26 representatives tasked with monitoring implementation of the ceasefire agreement.<sup>109</sup> Ten representatives have been drawn each from the government and from among the eight ceasefire signatories, with the remaining six representatives being civilian leaders put forward by both sides.<sup>110</sup>

Since the signing of the peace pact there have been no clashes in certain parts of the country controlled by peace pact signatories.<sup>111</sup> However, there have been continued reports of government attacks on areas controlled by non-signatories.<sup>112</sup>

The signing of the peace pact has brought changes in the relationships between the ethnic groups. The pact was cited as the reason for the temporary suspension of two member groups from the United Nationalities Federal Council.<sup>113</sup> There were also meetings between some of the non-signatory groups which “floated the idea of forming a new alliance of non-signatory ethnic armed groups that would replace the United Nationalities Federal Council.”<sup>114</sup> Lastly, there are reports of intra-group tensions stemming from the signing of the peace pact.<sup>115</sup> The Karen National Union (“KNU”) has reported a “split within the ranks of the KNU leadership” resulting from the signing of the peace pacts.<sup>116</sup>

The NLD’s success in the November elections has introduced additional uncertainty to the peace talk process. One commentator contended that “the 8 EAOs [Ethnic Armed Organizations] have miscalculated, for they thought the USDP would at least win enough votes, be able to form a coalition government...and continue the peace process. It is now very likely that the game plan will be altered and the players will be replaced by the new incoming regime.”<sup>117</sup>

Despite these uncertainties, Aung San Suu Kyi and NLD representatives have tried to assure signatories that the existing pact would be honored by any new government.<sup>118</sup> The NLD has reportedly “made ‘national reconciliation’ its top priority for when it takes the reins of government,” although it has not revealed many details of how it intends to pursue the peace process.<sup>119</sup>

At present, two elements of the NCA are slowly moving forward and the accord has been submitted to Myanmar’s national parliament.<sup>120</sup>

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

Violence involving ethnic groups resulted in purportedly legal disenfranchisement during the November elections. The UEC precluded ethnic minorities’ participation in polls in many areas of Kayin, Shan, and Kachin states on the basis that ongoing violent conflict created “unfavorable conditions for polling.”<sup>121</sup> Notably, such cancellations across Shan State disenfranchised as many as 100,000 eligible voters in townships like Kesi and Mong Hsu.<sup>122</sup>

Tatmadaw aggression has also displaced potential voters who have fled their homes due to violence. Myanmar citizens who have relocated outside of Myanmar to neighboring countries

like Thailand were not permitted to cast votes.<sup>123</sup> Additionally, migrants who remained within Myanmar's borders faced difficulty voting due to the country's requirement that a citizen must have resided in their home for 180 days prior to an election to be eligible to vote.<sup>124</sup>

Meanwhile, since her party's success in the general elections, Aung San Suu Kyi has pledged to include ethnic minority voices in her government<sup>125</sup> and has also stressed the goal of "ending the war in ethnic states [and] adhering to the spirit of Panglong," the 1947 agreement that today's ethnic armed groups cite for its promise of federal governance.<sup>126</sup>

Despite the October signing of the nationwide ceasefire agreement, armed conflict has continued in Myanmar, especially amongst groups that were not signatories to the October ceasefire agreement. The violence involving non-signatory groups has included intensifying aerial attacks against the Ta'ang (Palaung) National Liberation Army ("TNLA"),<sup>127</sup> the Shan State Army – North ("SSA-N"),<sup>128</sup> the United Wa State Army ("UWSA"),<sup>129</sup> and the Kachin Independence Army,<sup>130</sup> as well as simmering violence in Rakhine State, home to the Arakan Army.<sup>131</sup>

Notably, the TNLA has accused the ceasefire signatory Shan State Army– South of coordinating with Tatmadaw forces in several attacks near the townships of Namhkam and Manton along the Chinese border.<sup>132</sup> Infighting between signatory and non-signatory groups has also led to rifts in the United Nationalities Federal Council ("UNFC"), which expelled from its ranks two formerly allied members, the signatory Chin National Front and the Pa-O National Liberation Organization.<sup>133</sup>

The normally peaceful Mohnyin District in Kachin State saw several mid-November clashes with government forces, including aerial attacks described by local representatives as "one-sided" offensives.<sup>134</sup> A Kachin spokesperson described the attacks as "intense" and echoed SSA-N allegations that the government offensive was motivated by the local group's non-participation in the nationwide ceasefire agreement.<sup>135</sup>

In the Kokang region, home to the ethnic-Chinese Myanmar National Democratic Alliance Army ("MNDAA"), martial law was suspended in November but clashes continued in the hills around Lauki Township, with MNDAA troops often retreating toward the Chinese border.<sup>136</sup> Since the institution of martial law in February, displaced persons from Kokang have numbered in the tens of thousands, with some crossing the border to China and leading the United Nations to call for better access to monitor this frontier.<sup>137</sup>

In early October, government forces began a major offensive against SSA-N forces in central and northern Shan State.<sup>138</sup> To date, attacks have ceased only on November 8 for the election and during a three-day period from November 19–21.<sup>139</sup> Through continuous violence, including air attacks and the use of over 200 ground troops, government forces have been attempting to surround the SSA-N main base at Wan Hai, Kyethi township as well as clear the area around Mong Nawng, Mong Hsu, and Kyethi townships.<sup>140</sup> Tatmadaw are attempting to seize hilltop posts in Mong Hsu, just east of their Wan Hai headquarters.<sup>141</sup> General General Say Htin of the SSA-N has explained that the ferocity of this conflict is due to the necessity of the Wan Hai base to continuing SSA-N operations.<sup>142</sup>

Local organizations report that more than 10,000 individuals have been internally displaced due to such continued violence as of the end of November (with the UN estimating the number of internally displaced persons to be over 6,000).<sup>143</sup> As the violence comes during harvest season for paddy rice, sesame, and millet, many villagers must choose between financial ruin and personal safety<sup>144</sup> and numerous anecdotal reports describe non-combatant casualties incurred in the normal course of harvesting crops for the season.<sup>145</sup>

1 Myanmar Times, November 13, 2015: .  
2 *Id.*  
3 *Id.*  
4 *Id.*  
5 *Id.*  
6 *Id.*  
7 The Myanmar Times, November 3, 2015  
8 The Myanmar Times, November 9, 2015  
9 The Myanmar Times, November 9, 2015  
10 The Myanmar Times, November 9, 2015  
11 Myanmar Times, November 13, 2015: ; The Guardian, November 23, 2015:  
12 *Id.*  
13 The Guardian, November 23, 2015: .  
14 BBC News, November 5, 2015:  
15 *Id.*  
16 Financial Spots, November 27, 2015:  
17 *Id.*  
18 BBC News, November 5, 2015:  
19 *Id.*  
20 Reuters, November 20, 2015: <http://www.reuters.com/article/2015/11/20/us-myanmar-election-expenses-idUSKCN0T913N20151120#S1XexezLMXuOWQKZ.97>  
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