

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JULY 2016 REPORT

Summary. This report reviews the July 2016 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

I.	Political Developments.....	2
A.	Governance and the Rule of Law.....	2
B.	Constitutional Reform.....	3
C.	Official Corruption, Sanctions and the International Community.....	3
II.	Civil and Political Rights.....	5
A.	Freedom of the Press.....	5
B.	Freedom of Speech and Assembly.....	5
C.	Economic and Social Empowerment.....	6
III.	Economic Development.....	8
A.	Developments in the Legal Framework of Economic Development.....	8
B.	Land Seizures.....	8
IV.	Ethnic Violence.....	10
A.	Peace Talks.....	10
B.	Violence Against Ethnic Rebel Groups.....	11

I. Political Developments

A. Governance and the Rule of Law

The National League for Democracy (“NLD”) has now headed Myanmar’s government for 100 days, and State Counsellor Aung San Suu Kyi’s party’s report card has less-than-perfect marks from some political analysts, according to interviews conducted by *Channel NewsAsia* this month.¹ While some analysts noted that the NLD has had its hands full focusing on strengthening the rule of law and pushing along the peace process with armed ethnic rebels, most agreed that the party had failed to fully capitalize on its first 100 days in power, when its popularity was at its peak, and may have missed its opportunity to instill the proper confidence and faith in the new government among the Myanmar people.² Complaints include the failure to address existing issues with infrastructure, social welfare and religious tensions, as well as more recent increases in community violence.³ One analyst, Dr. Khin Zaw Win, suggested that the problem may be rooted in the lack of effective delegation, with Aung San Suu Kyi continuing to direct the governance of the country in the same manner as she runs the NLD: “handl[ing] it on her own desk.” Dr. Khin Zaw Win also questioned whether any tasks were being overseen by President Htin Kyaw.⁴ Overall, Dr. Khin Zaw Win graded the NLD’s and Aung San Suu Kyi’s performance so far as “pass[ing], but barely.”⁵

One of the issues the NLD faces is the reconciliation of a centralized, national power base with the need for capable local authority, particularly in less-developed areas outside of Yangon and other urban centers. Historically, the mention of “federalism” as a solution has been met with apprehension from political players, including the military, who are unlikely to cooperate in a decentralization process that would decrease their control over resource-producing peripheral states and possibly encourage further secessionist movements by ethnic rebels.⁶ However, many observers agree that Myanmar must address the disparity in poverty levels and infrastructure between the borderland states and the more developed central areas. According to the UN Development Program, poverty levels in rural regions are double the national level of 26%, and according to a 2014 report by the Asian Development Bank, Myanmar’s roads are generally in poor condition with just over one third of them paved at all.⁷

In June 2016, a violent mob broke into and ransacked a Muslim man’s house in Thuye Thamein village, also targeting the village mosque as part of the local outbreak in communal violence.⁸ No arrests or charges have been made against members of the mob, and it continues to appear as though the violence will go unpunished. Police have said that no arrests will be made as no formal complaint had been filed, and the chief minister of Bago Region (where Thuye Thamein village is located) has said that no arrests would be made due to fear of further aggravating the perpetrators.⁹ Forty-four Muslims, or approximately one third of the village’s roughly 150 Muslims, have relocated out of fear of further violence.¹⁰ Myanmar’s Muslim minority lacks the numbers to respond to force in kind, and instead must rely on strong rule of law in order to protect them from further incidents. However, violent incidents continue to go unpunished, incitement to violence via social media and physical gatherings such as religious events is unchecked, and anti-Muslim hate speech—frequently by Buddhist nationalists and monks and sometimes during religious sermons—is widely tolerated.¹¹ Union Minister for Religious Affairs and Culture Aung Ko has indicated his intent to implement a law against hate speech, although it will doubtless encounter tough opposition.¹²

B. Constitutional Reform

On April 24, 2016, the NLD announced that it would host an all-inclusive conference of ethnic armed organizations, currently scheduled for late August, calling the meeting the “21st Century Panglong Conference.”¹³ The name references the 1947 Panglong Conference, which was led by Aung San Suu Kyi’s father, Aung San, and which was instrumental in unifying much of Myanmar and shaping the discourse of ethnic politics in Myanmar over the last 70 years.¹⁴ In July 2016, political officials and ethnic armed group leaders called for the 21st Century Panglong Conference to lead to constitutional amendment.¹⁵ According to Sai Leik, the joint secretary of the Shan Nationalities League for Democracy (“SNLD”), the SNLD wants “inclusive peace talks for political parties, armed groups and other groups who should be involved in the process. Talks should lead to the basic principles to amend the Constitution. The states and regions should have their own constitutions.”¹⁶ Other ethnic militia leaders have similarly suggested that amending the constitution and building a federal union should be based on the Panglong agreements for the sake of Myanmar’s development and peace.¹⁷

Meanwhile, Lower House MP Pu Chin Sian Thang, who is also the chairperson of the Zomi Congress for Democracy, has stated that the upcoming 21st Century Panglong Conference should be based on the original Panglong agreements of 1947, and that a federal union should be built systematically by structuring the state-level and national-level authorities.¹⁸ According to Chin Sian Thang, “the elected government, ethnic leaders and the military should cooperate in constitutional amendment in order to terminate the military dictatorship, create equality and create a genuine federal Union.”¹⁹

On the second day of a summit in Mai Ja Yang, Kachin State, ethnic armed group leaders discussed a draft constitution which proposes a single Burman state within a federal union. Currently, Myanmar is made up of seven ethnic states—named for the Chin, Kachin, Karen, Karenni, Mon and Shan—and seven regions.²⁰ The proposed change is to combine three of these regions—in which the majority population in most regions is thought to be Burman—to form a single Burman state. Ethnic minority leaders believe that this will foster more equitable political representation and sharing of resources.²¹ While data from the 2014 census on the size of Burma’s ethnic populations has yet to be released, Burmans, or “Bamar,” have long been considered to comprise around 60 percent of the national population.²²

C. Official Corruption, Sanctions and the International Community

On July 26, the Lower House of Myanmar’s Parliament approved a bill to amend Myanmar’s Anti-Corruption Law, which was originally enacted in 2013.²³ The amendments aim to strengthen the Anti-Corruption Commission, extend its tenure and cut costs.²⁴ Under the amended law, the president and speakers of the Upper House and Lower House can collectively appoint up to five members to Myanmar’s Anti-Corruption Commission.²⁵ This differs from the original law, under which the president and speakers of both houses were required to each appoint five members to the Anti-Corruption Commission.²⁶

Prior to the Lower House’s approval of this amendment to the bill, the Lower House’s Public Affairs Management Committee submitted a proposal to the Lower House, which then sent the bill to the Upper House for discussion.²⁷ The Upper House added the amendments and

returned them to the Lower House, which then approved the amendments.²⁸ As the bill has already been approved by both the Upper House and Lower House, it will not be discussed by the convened Union parliament.²⁹

Indawgyi Lake in Kachin State, which is the largest lake in Myanmar and a key protected wetland site for hundreds of species, is at risk of shrinking by one-third within the coming ten years due to pollution from gold mining.³⁰ Such a drastic decline in the lake's water is a threat to the future of endangered species that have survived in the Indawgyi Wildlife Sanctuary, a 300-square-mile reserve encircling Indawgyi Lake, while the rest of their species have been wiped out.³¹ These species include elephants, leopards, bears, and other endangered or at-risk animals.³² In addition, heavy metals exposed by mining practices have entered into the food chain in the Indawgyi Wildlife Sanctuary, which threatens the survival of thousands of migratory birds that make the reserve their home each winter.³³ Further, continued pollution leading to a decrease in lake water also threatens the livelihoods of local fishermen who have relied on the lake for fish for generations, as well as the eco-tourism industry that has the potential to support traditional communities amid Myanmar's modernization.³⁴

Although the Myanmar government has officially named Indawgyi Lake a community-based eco-tourism site and the entire wetland was declared a protected site of international importance by the Ramsar Convention, which is an agreement by 179 governments to preserve wetlands across the world, the mining has continued due to corruption.³⁵

A volunteer from Inn Chit Thu, an eco-tourism outfit in Lonton Village fostered by conservation organization Fauna & Flora International ("FFI"), explains that government inspectors charged with protecting the Indawgyi Wildlife Sanctuary are more interested in taking bribes than safeguarding the lake.³⁶ The gold miners pay bribes to government inspectors, and then "when the head of government shows up, [the miners] all stop and pretend they don't mine," which has allowed their mining behavior to continue.³⁷ Meanwhile, sediment from the mining is building up in the lake and local fishermen are catching less fish and paddies are drowning in mud.³⁸

According to FFI's Myanmar Director Frank Momberg, the best conservation solution to mitigate further damage would be to involve all mine operators in a dialogue on how to mitigate sedimentation and subsequently legalize mining by issuing licenses that are valid for only limited time periods.³⁹

Under Section 101 of Myanmar's Union Government Law, all members of the national government must submit lists of their personal assets to the president.⁴⁰ In 2012, the NLD pressured Thein Sein's government to make public the list of the cabinet's moveable and immovable assets.⁴¹ Speaker of the House of Representatives Win Myint submitted the proposal in July 2012, arguing that the public release of such information was necessary for "good governance and clean government."⁴²

Currently, the Myanmar Constitution has only minimal requirements for asset disclosure. Under Section 68, the president and two vice presidents must submit a list of the "family assets under [their] direction, namely land, houses, buildings, businesses, savings and other valuables together with their values to the Head of the Pyidaungsu Hluttaw."⁴³ Attorney General Dr. Tun

Shin claimed that if the Parliament believed the asset lists should be released, (i) the Parliament should amend the Constitution to require the government to release them; and (ii) if government ministers are required to reveal their assets, then members of the judiciary and legislature should be required to do as well.⁴⁴

In July 2016, Chairman of the Lower House Bill Committee Tun Tun Hein said the legislature is not going to press the government to release the lists of government officials' assets, and that it is "not considering [requiring the release] at all."⁴⁵ In addition, although Aung San Suu Kyi directed all NLD candidates to declare their assets to the NLD headquarters, those lists will not be made public either.⁴⁶

II. Civil and Political Rights

A. Freedom of the Press

A press conference organized by the Ta'ang Women's Organization ("TWO") was canceled for the second time, allegedly amidst pressures by the Yangon regional government.⁴⁷ The scheduled event was called off when two local hotels suddenly decided not to host the event. The organization alleges that the regional government pressured hotels in Yangon to refuse to host the event. The first cancellation occurred in late June. The TWO recently compiled the accounts of ethnic Palaung (Ta'ang) victims of torture during the period 2012-2016 and planned to discuss the report at the event.⁴⁸ Journalists at the Myanmar Times spoke to the manager of the Orchid hotel, who claimed to have backed out of the reservation because the invitation letter "wrote too boldly about the military doing bad things" and the issue was too "sensitive."⁴⁹

Yanghee Lee, the UN Special Rapporteur on Myanmar, spoke at a press conference on July 1 in Yangon, urging the Myanmar government to stop discrimination against the Rhingya and other Muslims in Rakhine state. After a 12-day visit to Myanmar, Lee warned that the widespread human rights violations against Myanmar's Muslim population could "give rise to the possible commission of crimes against humanity."⁵⁰

The International Press Institute called for charges to be dismissed against journalists from Mizzima Media, a Myanmar publication. The three journalists criticized a rival publication's reporting of a government-backed organization's involvement in important peace negotiations. The Institute warned that this kind of censorship could overturn a system allowing the media to be "public watchdog[s]" and set a "dangerous precedent."⁵¹

B. Freedom of Speech and Assembly

The International Federation for Human Rights ("FIDH") and the Alternative ASEAN Network of Burma ("ALTSEAN-Burma") reviewed the NLD's human rights advances in its first 100 days after coming to power.⁵² Even though the NLD banned censorship of print media, the Ministry of Information banned a film that was supposed to play at the Human Rights Human Dignity International Film Festival in Yangon.⁵³ FIDH and ALTSEAN-Burma are therefore unsure of the new government's progress with regards to freedom of speech and expression.⁵⁴

Thousands of Buddhists, including monks, demonstrated against the use of the phrase "Muslim Community in Arakan State" that had been used by Myanmar delegates at the United

Nations Human Rights Assembly on June 23, 2016.⁵⁵ The protestors wanted the delegates to refer the Muslim residents as “Bengali.”⁵⁶ On July 13, 2016 three Myanmar protestors, who were protesting the same issue, were charged under the Peaceful Demonstration Act.⁵⁷

The former monk and Saffron Revolution leader known as Gambria was released from prison in Yangon in July.⁵⁸ Gambria had been prosecuted by prior the USDP administration.⁵⁹ The township officials and police dropped the charges under the NLD’s new rule of law and the national reconciliation process.⁶⁰

C. Economic and Social Empowerment

Several developments in July show a continuing effort by the government to neutralize tension around the status of the Rohingya population in the country and increase efforts around economic and social empowerment for other marginalized groups.

On July 13, a defamation lawsuit was filed against Wirathu, a monk who had been very vocal with anti-Muslim misogynist rhetoric (perhaps best known for calling UN special rapporteur on human rights in Myanmar, Yanghee Lee, a “whore” who he wanted to “hit with his slipper”).⁶¹

On July 19, a state counsellor hosted an interfaith prayer meeting at her home in honor of her father, Bogyoke Aung San, and eight of his late colleagues, and partially at the behest of Cardinal Charles Maung Bo.⁶² All attendees observed a minute of silence to show respect for those honored. Aye Lwin, the leader of the Islamic Council of Myanmar Interfaith Friendship Group, the cardinal, National League for Democracy patron Tin Oo, State Counsellor’s Minister Kyaw Tin Swe, and leaders from each religion all attended the interfaith meeting.⁶³ The cardinal asked for the ministry of religion in Myanmar to launch desks for religions other than Buddhism, suggesting that the ministry could be better advised by a more diverse group of religious adherents.⁶⁴ Although there was no official response to the request, Director of the Ministry of Religion and Culture Aung San Win offered the following statement: “I would like to remind everyone that according to the 2008 Constitution, all citizens have freedom of religion. They are able to observe their religious holiday. For example, Christians can celebrate Christmas, and Muslims can observe Eid,” he said. “I think the law is clear.”⁶⁵

On July 21, the government released the religion data results of the 2014 Myanmar Population and Housing Census, which showed that the proportion of Muslims within the population had not increased in the past thirty years.⁶⁶ The data showed 87.9 percent of Myanmar’s 51.49 million people are Buddhist, 6.2 percent are Christian, and 4.3 percent Muslim—a figure based on a projection that includes the 1.09 million Rohingya.⁶⁷ The 2014 census reached nearly 98 per cent of the population—an undertaking on a massive scale—and was the first such effort undertaken by the government in three decades.⁶⁸ UNFPA has indicated that the census is one of the country’s “most participatory development efforts to date, with profound significance for Myanmar’s future, including its political and economic transition.”⁶⁹

The Karen Human Rights Group (“KHRG”) released a report on August 3 called “Hidden Strengths, Hidden Struggles: Women’s Testimonies from Southeast Myanmar.”⁷⁰ The report details the results of four years of research on the experiences of women in rural areas of Kayin and Mon states and Tanintharyi and eastern Bago regions and findings on the effects of landmines, land confiscation, forced labor, torture and violence against women.⁷¹ The report, which was based on the analysis of 1,048 documents, including interviews with 98 separate

women, notes a change in the type of abuses experienced by women over the past few years—fewer cases of rape and forced portage that took place during the country’s military conflict, with an increase in issues around land confiscation relating to the peace process.⁷² The report also noted a loss in leadership roles for women as men returned from army participation, and a continued fear on the part of women of openly discussing abuse that they have suffered.⁷³ One of the aims of the report was to shed more light on women’s issues in Myanmar and increase action around some of the report’s recommendations, which include improved justice mechanisms such as creating secure avenues for women facing gender-based violence and land confiscation, and bringing perpetrators before independent, impartial civilian courts.⁷⁴

Other news reports highlighted women’s issues in Myanmar this month, including an article on female construction workers—noting that “conservative values and decades of military rule have limited women’s voices, but contradictions abound when it comes to gender equality, and the building sector exemplifies this. Women make up a striking portion of the labour force – a position that empowers them, but also exposes them to the risks of a loosely regulated environment.”⁷⁵ Although female builders are contributing to the development of Myanmar through improving its infrastructure and earning money in the process, the women who make up this section of the labor force are disproportionately poor and often find themselves in construction after having lost access to land.⁷⁶ They are also paid less than men and, with little oversight of their working and living conditions, many think they are being exploited.⁷⁷ Although Aung San Suu Kyi has commented on challenges of gender equality in Myanmar, little has been done to change many of the laws that disempower women, including laws around inheritance, marriage, and divorce.⁷⁸ Positive news from the 2014 census shows that while the employment gap is still large, education equality is improving: girls between the ages of five and 29 now study as much as boys; between the age of 16 and 19, the percentage of females in education is marginally higher; and women also get married later and have fewer children than the average in Southeast Asia.⁷⁹

III. Economic Development

A. Developments in the Legal Framework of Economic Development

The China Road and Bridge Construction Co., Ltd. (“CRBC”) was reported to have won contracts to build roads in Karen State connecting Yangon to the Thai and Myanma border at Myawaddy.⁸⁰ This project is the first state project to be publically awarded to a Chinese company since the new NLD-led government has come to power.⁸¹

Following a government order placing new development projects on hold, twelve high-rise residential developers estimate a loss of up to US\$6 billion attributable to some 185 delayed projects.⁸² The government has reviewed the development projects and deemed them to be incompatible with their draft urban plans and thus rescinded the original building permits previously granted to the builders.⁸³ The government responded that these developers had access to the draft urban plans, which are available to the public, and that the buildings in question do not pass the technical standards and city-impact review.⁸⁴ The impact of this order may force many companies out of business.⁸⁵

During the week of July 22, the Securities and Exchange Commission of Myanmar (“SECM”) issued a warning to public companies against the sale of unapproved shares.⁸⁶ Under Myanmar law, companies must submit a prospectus to the SECM for approval before selling shares and the punishment for those who sell shares illegally is a fine or imprisonment.⁸⁷ As of July 22, no public company has yet been sued for selling illegal shares, although this was the SECM’s second time issuing the warning due to the perceived lack of understanding of the Securities Exchange Law amongst some Myanmar companies. In fact, some Myanmar companies have, at times, advertised unapproved share sales in state-owned newspapers.⁸⁸

B. Land Seizures

As of the beginning of July, the Myanmar Parliament had reportedly received 2,000 new complaints of farmland seizures in less than five months, most of which came from the Mandalay and Ayeyarwady regions.⁸⁹ In order to resolve the disputes, Parliament has indicated that they “can only start working on these cases systematically after policies and guidelines to handle land disputes are established by the central review committee.”⁹⁰ As part of this resolution project, the Central Committee for Re-Scrutinising Seized Farmlands and Other Lands is creating procedures in an attempt to simplify the process for reclaiming confiscated farmland.⁹¹ Newly created “Form 3s,” which give farmers temporary ownership of previously confiscated land, were issued in a ceremony in Mandalay Region to 32 former owners who had had 208 acres of land seized.⁹² As part of the Form 3 ceremony, the government indicated that it “considers land problems as [its] first priority.”⁹³ The committee indicated that it would “settle all land grabbing cases...within ‘six months.’”⁹⁴ Notably, the committee is considering whether to return lands confiscated before 1988.⁹⁵

The government’s decision on this point will be especially relevant for a group of fruit farmers in Mandalay whose land was seized over 35 years ago to build a prison.⁹⁶ These farmers are requesting that a portion of the land be returned to them.⁹⁷ Over half of the land has been left unused in the prison project and is now being rented out to other farmers, with the original farmers receiving none of the rental proceeds.⁹⁸ The farmers who originally owned the land have pledged to protest and “take to the streets” if nothing is done to restore their land.⁹⁹ The original owners were compensated for the fruit trees, but not the underlying land.¹⁰⁰

More than one hundred farmers staged protests in the city of Monywa in July, demanding compensation for farmland confiscated to make way for mining and other industrial projects.¹⁰¹ Reportedly, 16,632 acres of land were confiscated without compensation between 2005 and 2008 to make way for private industrial developments, some of which were joint ventures with China.¹⁰²

In Shan state, over one hundred farmers appeared in court after the national army “filed a lawsuit against them for planting on confiscated land.”¹⁰³ Reports acknowledge that this move “runs counter to the government’s efforts to return land that the military previously grabbed.”¹⁰⁴

Plans to provide compensation to locals whose farmland or fruit tree plantations were impacted by two power cable projects from Myawady to Mawlamyaing and from Myawady to Kawkaik.¹⁰⁵ Instruction letters have been sent to affected townships advising them on how to

assist their residents ask for compensation.¹⁰⁶ Farmers have indicated that they expect to have trouble claiming compensation in some cases “due to lack of land documentation.”¹⁰⁷

A report on some of the challenges involved returning seized land was due to be released in July.¹⁰⁸ It highlighted the challenges associated with identifying the individuals to which confiscated land should be returned.¹⁰⁹ In particular, the report touched on the “complex history of land-related laws” in Burma and the fact that “[i]n many instances, official records do not reflect actual land use, limiting the evidence available for farmers to reclaim their land.”¹¹⁰ This was echoed by a farmer affected by the power cable project mentioned above, who indicated that “the compensation process will be complicated as much of affected land does not have legal titles.”¹¹¹ Secondly, there is no legal definition of “original farmer” or guidance on the approach that should be taken when there are competing claims.¹¹² Thirdly, farmers reclaiming seized land must present certain evidence showing their ownership, which may be difficult for some to obtain.¹¹³

IV. Ethnic Violence

A. Peace Talks

Aung San Suu Kyi instructed government bodies to include ethnic armed groups that did not sign the 2015 nationwide ceasefire agreement (“NCA”) in the August Union Peace Conference.¹¹⁴ The Peace Commission, headed by Dr. Tin Myo Win, also said that it wants all armed ethnic groups, including non-signatories, to attend the Mai ja Yang summit in Kachin State leading up to the 21st Century Panglong Conference.¹¹⁵

Representatives of the United Nationalities Federal Council (“UNFC”) met with Aung San Suu Kyi to discuss the upcoming Union Peace Conference on July 17.¹¹⁶ The focus on the meeting was on “building mutual relationships between UNFC senior leaders and the state counselor,” said Khu Oo Reh, a UNFC spokesperson who added that there would be additional talks throughout the next month. Topics included how UNFC member groups could participate in the Union Peace Conference, issues surrounding the Myanmar Army’s conflict with ethnic armed groups in the northern part of the country and the expectation that all armed groups declare a ceasefire. Aung San Suu Kyi described the meeting as “family-like,” however Khu Oo Reh, general secretary of the UNFC, was less complimentary.¹¹⁷ He said that Aung San Suu Kyi told the UNFC that they should consider what they could offer rather than what they could demand. “Look at the states inhabited by the ethnic people. We have lost almost everything,” he said. “In this situation, what do they want from us? What do we still have left to offer? We do not have demands and offers. Everyone has a responsibility to make the country more developed and peaceful. This is the equality that we have been demanding for decades,” he said.

Aung San Suu Kyi also met with representatives from the United Wa State Army (“UWSA”) and the National Democratic Alliance Army (“NDAA”) on July 29 in preparation for the 21st Century Panglong Conference.¹¹⁸ Both are non-signatory groups.

Both signatory and non-signatory armed groups of the NCA held a meeting to prepare for an upcoming ethnic summit to cooperate in the Union Peace Conference.¹¹⁹ The meeting included representatives from the Coordination Team, a group of eight signatory groups and

representatives from the UNFC, an alliance of nine non-signatories. The UNFC also invited two ethnic political party coalitions, the United Nationalities Alliance and the Nationalities Brotherhood Federation, to the ethnic summit.¹²⁰ The Tatmadaw expressed concern over the meeting, saying that it could negatively impact the Union Peace Conference.¹²¹ Army spokesman and chief of military security affairs Lt-Gen Mya Tun Oo reiterated the Tatmadaw's intention to cooperate with the National League for Democracy government but said that the meeting could lead to additional territorial claims or alliances ahead of the Union conference.

NCA signatory and non-signatory ethnic armed groups met at the Mai Ja Yang summit to prepare for the 21st Century Panglong Conference.¹²² The Ta'ang National Liberation Army ("TNLA"), the Myanmar National Democratic Alliance Army and the UWSA did not attend.¹²³ The deputy leader of the Kachin Independence Army, General N'Ban La, said that it is important to build "unity in diversity." Khu Oo Reh, chair of the convening committee for the summit, said, "The objective of this plenary meeting is preparatory talks for the 21st-century Panglong Conference. Another reason why we are holding this summit is to find common ground among the ethnic armed organisations for building a federal democratic Union in the future," he said yesterday.¹²⁴ A draft consensus paper on the ethnic armed groups' vision for the "principles of Panglong," laying out basic doctrine for a constitution is expected.

On the second day of the summit, the participants debated the structure of the federal union.¹²⁵ Many of the participants agreed that state lines should be demarcated by major ethnic groupings. For example, in Shan State, "Shan are the dominant and largest population. So the state should be regarded as the Shan National State," said Oo Hla Saw, a representative of the Nationalities Brotherhood Federation, an alliance of ethnic political parties. Myanmar's current seven states would be kept unchanged, but the other seven regions would be reconfigured into "states of nationalities." Additionally, participants proposed a single Burman state within the union to foster more equitable political representation and sharing of resources.¹²⁶ Political commentators viewed the idea as "quite impractical." Participants also largely agreed that the state legislatures should be given absolute autonomy and that the states should have their own constitutions.

B. Violence Against Ethnic Rebel Groups

The Kachin Independence Army ("KIA") and the Myanmar Army clashed in Laiza on July 1.¹²⁷ According to local sources, bombs hit the Myanmar Army at Nan San Yang village in Winemaw Township, wounding soldiers. Later, a Myanmar Army battalion reportedly shot artillery fire at the KIA headquarters in Laiza.

Tensions over a military checkpoint dispute between the Myanmar Army and the Karen National Liberation Army ("KNLA") led to the resignation of an ethnic Karen official from the Joint Monitoring Committee ("JMC"), a body that monitors the implementation of the 2015 NCA.¹²⁸ The dispute over the checkpoint was resolved through bilateral negotiations on July 2.¹²⁹ Naw Mildred, a member of the JMC who participated at the meeting, claimed that the area around Htee Khee had returned to normalcy, although locals and traders remained concerned at the prospect of clashes. "The military extended apologies in order to avoid conflict. There is no problem at the checkpoint now. Brig-Gen Maung Maung Soe called on the both sides to avoid

any misunderstandings,” she said. “I asked KNLA generals and they said there would be no fighting. The Burma Army said so too. Local villagers can now be at ease,” she added.

After seven rural residents of northern Shan State’s Lashio Township were killed, the victim’s families and local residents blamed the Myanmar Army.¹³⁰ Two of the men were shot after refusing to obey Myanmar Army soldiers’ order to stop. Five others were arrested from their fields. Their bodies were found the next day buried in a corn field. The Tatmadaw denied responsibility for the deaths, saying that the bodies were found following fighting in the area between the TNLA and the Shan State Progress Party/Shan State Army (SSPP/SSA).¹³¹ However in a rare admission, the Myanmar Army admitted that soldiers killed five villagers during an interrogation and promised to prosecute the perpetrators.¹³² A senior officer said that a court martial was underway and that the verdict would be made public. Days later, the Myanmar Army’s deputy regional commander traveled to Mong Yaw village in Lashio Township and distributed “donations” to victims’ families. Local police had said they were “powerless” to investigate allegations against the Myanmar Army because the area is a “conflict zone.” Amnesty International called on the Myanmar government to try national army soldiers who killed the five men in a civilian court to ensure accountability for human rights abuses.¹³³

The Myanmar Army reiterated the self-defense claim of a low-ranking soldier accused by local residents of murdering an unarmed ethnic Kachin student in Myitkyina, Kachin State on June 20.¹³⁴ The Army insists that the soldier “misfired,” killing the university student, while attempting to fend off a physical assault from the student and seven other young men. “We have strong evidence,” Lt Gen Mya Tun Oo said, adding that, “We have suspicions that those eight youths were using illegal drugs, because normally people are afraid of guns but they weren’t.” He said the army would be investigating the incident further.

A landmine explosion in Namtu Township in northern Shan State killed one person and injured seven others.¹³⁵ The detonation occurred while villagers were transporting food rations for the Shan State Army-South.

The SSPP/SSA demanded that the Tatmadaw immediately release eight civilians in detention who are accused of aiding the SSPP and charged under the Unlawful Association Act.¹³⁶ “We are working together for peace and national reconciliation, but this kind of behaviour [by the Tatmadaw] destroys trust,” said Colonel Sai Phone Han, a spokesperson for the SSPP/SSA. “We ask the president and Daw Aung San Su Kyi to release them in the name of the peace process and national reconciliation.”

The Shan State parliament approved a proposal imploring government intervention to end the conflict between the national army and ethnic armed groups in the region.¹³⁷ “Villagers have had to abandon their homes and businesses. Children have lost their right to study because of conflict. Some have been detained [and forced] to porter. This conflict needs to stop for the benefit of all ethnic people in Shan State,” said Nang San San Aye, a Shan Nationalities League for Democracy MP on July 15.

The Chin National Democratic Party demanded that the Myanmar Army and the Arakan Army stop conscripting forced labor, burning houses and torturing locals in the rural areas of Paletwa Township in southern Chin State.¹³⁸ Arakan Army spokesman Khine Thukha refuted the

allegations, “If we really did such things, show us the evidence, because we have strong evidence of our own. We are protecting the civilians as much as we can.” Myanmar Army Commander-in-Chief Snr-Gen Min Aung Hlaing asked soldiers in Arakan State not to practice “extreme activities” in upholding their culture and religion.¹³⁹ The UN special rapporteur on human rights in Myanmar warned that conflict in the region risks splintering communities.¹⁴⁰ Yanghee Lee also noted accusations that the Tatmadaw is employing divide-and-rule tactics. She said that she has received reports concerning abductions and forced recruitment by both the Tatmadaw and ethnic armed groups, as well as sexual and gender-based violence, torture, extrajudicial killings and arbitrary arrests. “I reiterate that investigations should be conducted into all such allegations and that perpetrators be held to account,” the UN envoy said.

Khine Myo Htun, an Arakan Liberation Party communications officer, was detained in Sittwe for accusing the Myanmar Army of committing war crimes.¹⁴¹ He had accused the Myanmar Army of forcing local civilians to porter for their battalions, using them as human shields, and torturing them for information. Khine Myo Htun is charged under Article 505 of the Myanmar penal code, which covers broad “incitement” provisions and carries a maximum sentence of two years in prison.

More than three hundred ethnic Palaung (Ta’ang) were displaced by conflict between the TNLA and the Shan State Army-South and have traveled to the town of Hsipaw in northern Shan State.¹⁴² The chief minister of Shan State distributed 10 million kyats (US\$8,475) in relief funds.

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