

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

OCTOBER 2016 REPORT

Summary. This report reviews the October 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.

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I. Political Developments

A. Governance and the Rule of Law

In October, the World Justice Project released its annual Rule of Law Index report, which provides data and analyses measuring how the rule of law is experienced in 113 countries worldwide. The report measures rule-of-law performance for individual countries using 44 indicators across eight primary rule-of-law factors, each of which is scored and ranked globally and against regional and income peer countries. These eight primary factors include “Constraints on Government Powers,” “Absence of Corruption,” “Open Government,” “Fundamental Rights,” “Order and Security,” “Regulatory Enforcement,” “Civil Justice,” and “Criminal Justice.”

Based on these factors, the World Justice Project ranked Myanmar’s rule-of-law system 98th of the 113 countries studied worldwide, 14th of the 15 countries studied in the East Asia & Pacific region, and 19th of the 28 countries studied in the lower-middle income bracket, with an overall score of 0.43 out of a maximum score of 1.0.¹ In the 2015 World Justice Project report, Myanmar was ranked 92nd out of 102 countries studied, with an overall score of 0.42.² In 2016, Myanmar fared comparatively well in the categories of “Order and Security” (53rd globally), “Absence of Corruption” (70th globally) and “Constraints on Government Power” (76th globally), while trailing in “Civil Justice,” “Criminal Justice” and “Open Government” (98th, 101st, and 107th globally, respectively). Myanmar performed especially poorly in the category of “Fundamental Rights” (109th globally).³ This latter category was measured using several key indicators that included the right to privacy, due process of law and freedom of religion.⁴

An article published by the Carnegie Endowment for International Peace in October summarized the support that Indonesia, India and Japan have continued to provide to Myanmar, in an attempt to encourage Myanmar’s transition to a full-fledged democracy.⁵ The article focused on the current and historical support provided by these three regional democratic nations to Myanmar, while suggesting that more active involvement may be needed to fully aid Myanmar’s democratic transformation.⁶ Indonesia, for example, has served as an example for emerging democracies and has provided advice to Myanmar officials through the Institute for Peace and Democracy, an Indonesian NGO. However, the reluctance of the Indonesian government to engage Myanmar in direct diplomatic dialogue has been viewed by some as indicative of a lack of serious support for Myanmar’s democratic reforms.⁷ Meanwhile, the article highlighted India’s technical and infrastructural support and Japan’s economic support, while arguing that both nations could (and should) be more proactive in supporting Myanmar’s pro-democracy reforms.⁸

B. Constitutional Reform

On October 4, 2016, the Myanmar government signed legislation to abolish the Emergency Provisions Act, which was frequently utilized by the former military junta to prosecute political opponents.⁹ Offences under the act included reading foreign newspapers, listening to foreign broadcasters and “disrupt[ing] the morality or the behavior of a group of people or the general public,” each punishable with up to seven years in jail.¹⁰ Military members of the Myanmar Parliament unsuccessfully opposed the Act’s abolition, arguing that the act was necessary for national security.¹¹

While it is hoped that the abolition of the Emergency Provisions Act signals a move by the government to reform oppressive legislation, there has been no reported progress during October 2016 on efforts to amend the constitution.¹²

C. Official Corruption, Sanctions and the International Community

On October 7, 2016, U.S. President Barack Obama issued an executive order to lift all remaining sanctions of the Office of Foreign Assets Control against Myanmar.¹³ The order states that Myanmar's political situation which had given rise to the sanctions had "been significantly altered" by Myanmar's substantial advances to promote democracy, including historic elections in November 2015, the release of many political prisoners, and the greater enjoyment of human rights and fundamental freedoms, including freedom of expression and freedom of association and peaceful assembly."¹⁴ In an accompanying letter to Congress of the United States, Obama stated that "while Burma faces significant challenges, including the consolidation of its democracy, the United States can, and intends to, use other means to support the government and people of Burma."¹⁵

The lifting of sanctions includes the removal of trade restrictions on Myanmar-origin jade and other gemstones, the removal of over 100 individuals and entities from the Specially Designated Nationals ("SDN") blacklist,¹⁶ the unblocking of property, the removal of certain banking restrictions and the lifting of investment reporting requirements.¹⁷ Certain restrictions under other U.S. sanction programs remain in place, including the continued listing of over 30 Myanmar nationals as SDNs subject to U.S. counter-narcotics and North Korea sanction programs, an arms embargo under the U.S. International Traffic in Arms Regulations, visa bans for certain military officials,¹⁸ and enhanced due diligence requirements in processing financial transactions to reflect anti-money laundering concerns of the U.S. Treasury Department's Financial Crimes Enforcement Network.¹⁹ The U.S. government has further clarified that past violations of U.S. sanctions will still be subject to enforcement.²⁰

In addition to its lifting of sanctions, the U.S. will also reinstate preferential tariffs for Myanmar under the Generalized System of Preferences scheme, which had been suspended since 1989 due to concerns over labor rights in Myanmar.²¹ The preferential tariff scheme, which is expected to be reinstated for Myanmar on November 13 following a 60-day Congressional-notification period, permits the duty-free import of certain qualifying goods from Myanmar into the U.S.²² Prior to the reinstatement of this tariff system, such goods attracted duties of up to 17%.²³

The lifting of sanctions continues to be met with criticism from human rights groups who allege such lifting to be premature, in particular regarding alleged ongoing corruption in the jade and gemstone industries.²⁴

II. Civil and Political Rights

A. Freedom of Speech and Assembly

National League for Democracy ("NLD") members of Parliament have been forced to reconcile their roles in supporting democracy with the machinations of governance following a chiding by party leaders in which they were told to stop asking "tough questions." In an October

meeting, senior NLD lawmakers told their more junior colleagues to stop asking questions or tabling proposals that make the government look bad.²⁵ “We were asked not to raise questions [in parliament] over things which have not yet been implemented by the government as the government will get into trouble because of such questioning,” said Parliament member Kyaw Zay Ya.²⁶ An eight-member vetting committee has been assembled to check all NLD MPs’ questions and proposals before they can be submitted to Parliament, and has frequently rejected submitted questions and proposals.²⁷ In previous parliamentary sessions, members questioned the government on investment projects, restrictions on high-rise buildings and public transportation plans, among other issues.²⁸

NLD parliamentarians also reported that since they took their seats in February, the party leadership has, on several occasions, called officials together to deliver instructions on maintaining the official party line.²⁹ In addition, NLD lawmakers are reportedly under strict orders not to share any of the party’s policies or positions with the media without obtaining prior approval.³⁰

As noted above, Myanmar’s government abolished the notorious Emergency Provisions Act on October 4, 2016. The law, passed in 1950 after Myanmar won independence from Britain, had been frequently used to jail political dissidents under previous military administrations, and became a common weapon of the military junta to silence dissent during its half a century in power.³¹ The former act imposed harsh penalties, including life in prison or even death, for anyone committing “treason,” which was defined to include acts as minimal as damaging telegraph poles. Other crimes, such as spreading false news or disrupting public morality, were also subject to large fines or imprisonment.

A consultant for the community-based Kachin Baptist Convention was charged with violating Myanmar’s Peaceful Assembly Law after thousands of ethnic Kachin marched against the ongoing conflict in their state.³² The consultant had received permission from the authorities to protest, but was arrested on the grounds of not having all of the protestors’ slogans pre-approved.³³

The Committee for Amending the Telecommunications Law was launched at the end of September.³⁴ The Telecommunications Law was approved by the Assembly of the Union in 2013 in order to regulate a sector with increasing foreign investment, and to protect both service providers and users.³⁵ According to a 2015 report from the Myanmar Centre for Responsible Business, there is “a clear risk that the Myanmar Government could use the 2013 Telecommunications Law to arbitrarily characterize legitimate expression as ‘threats’ or an ‘inappropriate influence,’ punishable as a criminal offense.”³⁶ The center added that the law also allows for the government to selectively block or filter content if it is deemed “in the interest of the public” to do so.³⁷

Section 66(d) of the Telecommunications Law was originally enacted by the former junta in 2004.³⁸ Section 66(d) prohibits certain types of speech online with a penalty of up to three years in prison.³⁹ A member of the NLD’s Kayin State central committee stated that the NLD “is a democratic party and everyone can criticize and can give suggestions to the party and government as well, but I don’t stand for any insulting behavior toward our leaders,” referring to the defamation suit where a member of the National Democratic Force party was imprisoned and

sued under Section 66(d) for calling President Htin Kyaw “crazy” in a Facebook post.⁴⁰ In a similar case, a member of the NLD in Monywa Township was arrested for posting a fake letter on the resignation of a central executive committee member under Section 66(d).⁴¹ Additionally, two men were charged in early October for allegedly going on an obscenity-laced rant against Aung San Suu Kyi after a heavy evening drinking session.

B. Freedom of the Press

Members of the Myanmar media alleged that the Myanmar Army unilaterally imposed movement restrictions on independent journalists in northern Rakhine State, where border guard posts were attacked by purported Islamic militants.⁴² It is also argued that continued restrictions to media access in northern Rakhine State has made it difficult to independently verify claims by the Muslim community that human rights violations (including arson, rape and civilian killings) have been committed by the Myanmar Army.⁴³ The NLD government stated that the media has not been restricted within the Rakhine State conflict areas, but military officials did acknowledge that they have made reporters delete photos that they have deemed a security risk.⁴⁴ United Nations Special Rapporteur on Human Rights in Myanmar has called for “complete access” to areas undergoing conflict in northern Rakhine State.⁴⁵

A deputy director from one ministry said civil servants would like to speak more freely, but he blamed the low quality of reporters for preventing such an exchange.⁴⁶ The Myanmar Press Council’s Zay Yar Hlaing pointed out that only state-run media seems to get unfettered access to government information, and perhaps spokespeople should hold director-level positions.⁴⁷

C. Economic and Social Empowerment

Another wave of conflict involving Rohingya individuals erupted in Rakhine State this month. On October 9, 2016, a militant group of Rohingya men allegedly named “Aqa Mul Mujahidin”, stormed police stations in Muangdaw Township armed with machetes, killing nine police officers and wounding five others before stealing weapons and ammunition from the stations.⁴⁸ Eight of the assailants were also reportedly killed.⁴⁹ The state media reported that the Myanmar Army was using helicopters to move soldiers inside the vicinity where the attacks on police were taking place.⁵⁰ Following the attacks, videos—reportedly recorded on October 9—surfaced showing armed militants calling for war against the Myanmar military.⁵¹ In response, police enforced an all-night curfew in Muangdaw Township and banned people from gathering together in groups of five or more.⁵² Early in the morning of October 10, police and military retaliated, targeting and killing many Rohingya, including innocent, unarmed civilians, and at least one elderly man, in what eyewitnesses are denouncing as extrajudicial killings.⁵³

As of October 13, the death toll had risen to over 54 people killed and over 100 wounded by security forces.⁵⁴ Of those killed, 33 were militants, according to the state media.⁵⁵ The Myanmar Army also burned to the ground over 500 homes, and thousands have fled the area to escape the escalating violence, many on foot.⁵⁶ Many homes in Kyikan Pyin village, where the first attacks occurred, were abandoned over that weekend.⁵⁷ Ye Htut, an official with the Muangdaw district administrative department, stated that the government had “announced that [the Rohingya] can stay normally in the village if they did not commit the attack and cooperate

with security forces while the forces are asking questions,” but that many had fled out of fear and anxiety about the violence.⁵⁸

On October 13, the Organization of Islamic Cooperation expressed its concern regarding the violence, and on October 14, the new international Advisory Commission on Rakhine State, led by former Secretary-General of the United Nations Kofi Annan, released the following statement: “The Chairman and members of the Advisory Commission on Rakhine State strongly deplore the violent attacks perpetrated in northern Rakhine State. The Commission extends its condolences and sympathies to the families of those who were killed or injured.”⁵⁹

On October 14, the Myanmar President’s Office released a statement identifying the militant group’s leader as a man named Havistoohar and alleging he had previously trained with the Taliban in Pakistan.⁶⁰ The statement also stated that “the attacks in Maungdaw township were systematically planned in advance over a long period of time, assisted by foreign funding and the support of members of foreign terrorist organisations.”⁶¹ On October 15, the death toll continued to climb as a 23-year old teacher, Thein Tun, was shot, and an attack on security personnel ended in the deaths of three assailants.⁶² The military-run news outlet Myawady reported that four Rohingya people were also arrested on October 15 in Redar village of Maungdaw township, apparently due to suspected links to Aqa Mul Mujahidin.⁶³

Leaders of several political parties with ties to Islam condemned the attacks but were not familiar with Aqa Mul Mujahidin. The government says that Aqa Mul Mujahidin has ties to the Rohingya Solidarity Organization, which was previously thought to be defunct, but Maung Maung Ni, a member of the National Development and Democratic Party, said that nobody was sure whether the Rohingya Solidarity Organization is active or not.⁶⁴ Kyaw Min, chair of the Democracy and Human Rights Party, expressed similar doubts but added that he could not make assertions about the situation: “We still are observing how the government tackles the issue. The most important thing we are concerned with now is the security of local residents in those areas.”⁶⁵

In response to the conflict, a group of senior international diplomats, including the Myanmar ambassadors of the U.S., Britain, China and the EU, visited Rakhine State on November 2.⁶⁶ Chief Minister of Rakhine State, Nyi Pu, lead the group, which also included the top UN representative in Myanmar, Renata Lok-Dessallien, and envoys from countries including India, Turkey and Indonesia.

A few notable reports on human rights conditions were also published by intergovernmental agencies and NGOs this month. On October 12, 2016, Physicians for Human Rights published a report titled “Where There is Police, There is Persecution,” documenting arbitrary and discriminatory restrictions on freedom of movement and a widespread pattern of abuse and extortion targeting the Rohingya.⁶⁷

On October 13, 2016, the Asian Development Bank published its Situation Analysis on Gender Equality and Women’s Rights in Myanmar.⁶⁸ The report consolidates existing data (limited in some areas) on gender equality and women’s rights in critical areas of women’s lives, which are the basis of the National Strategic Plan for the Advancement of Women: livelihoods, participation in the economy, education, health care, violence, women’s leadership, political participation, and the peace processes.⁶⁹ The report concludes generally that despite Myanmar’s recent political progress, greater investment is needed to ensure that women and girls benefit equally with men and boys from the socioeconomic reforms in order to fulfill state commitments to gender equality and women’s rights. The report also argues that this focus on gender equality and women’s rights will be critical for sustainable human development and the sustainability of

Myanmar's reform process. The Asian Development Bank critiques Myanmar's reform agenda for being framed generically, with little to suggest that it addresses gender equality and women's rights in a comprehensive manner. However, it views Myanmar's National Strategic Plan for the Advancement of Women as an opportunity to instill a gender equality agenda.

A few articles this month also focused on the recent phenomenon in Myanmar of the abuse of women via the internet. While hate speech, cyber-bullying, and sexual harassment have been present on Myanmar's online platforms for some time, a new form of more insidious sexual harassment has arisen: women's social media accounts are hacked or new fake accounts are set up under their name, publicizing their real contact information and claiming that the women are selling sex.⁷⁰ Everyday photos are stolen from women's personal accounts and are edited to make the women appear nude.⁷¹ The women are threatened and extorted by the unknown men who have created these accounts.⁷² In other cases, intimate photos and/or videos (sometimes taken by ex-boyfriends or stolen from devices, or shot of couples' intimate moments in the park) are published online without authorization.⁷³ Women's rights and tech-focused activists say online abuse cases are quickly becoming more frequent since internet and mobile phone use has increased in Myanmar in recent years, reaching 11 million internet users and 43 million SIM cards sold.⁷⁴ The women who take these cases to the police find that no action is taken, and often find that the blame for cyber abuse is placed on the victim.⁷⁵ Police officers claim that they need district-level approval to accept complaints about cyber abuse due to a dearth of information-technology knowledge at the local police level.⁷⁶ Aye Thada Hla of the Myanmar Gender Equality Network said that the long-awaited National Prevention of Violence against Women bill includes online abuse as a punishable offence.⁷⁷

III. Economic Development

A. Economic Development Progress and Issues

Over the past couple of years, Special Economic Zones ("SEZs") have emerged throughout Myanmar to create new jobs and attract foreign investment by implementing laws and practices favorable to the production and export of products.⁷⁸ One of the most important SEZs is the Thilawa SEZ, which is a massive industrial development on the outskirts of Myanmar's largest city.⁷⁹ The factories in the Thilawa SEZ produce everything from children's toys to clothing to medical supplies to electronics.⁸⁰ The first phase in the development of the Thilawa SEZ is nearly complete, with the second phase, consisting of a \$1.5 billion development project, scheduled to begin in November.⁸¹ So far, the project has attracted investment from 13 foreign countries and accounted for 12.5% of total foreign direct investment in Myanmar for the 2014-15 fiscal year. Sanda, a member of the Thilawa SEZ Management Committee, highlighted the project's ability to create jobs that do not require a skilled labor force or previous training, providing more jobs for low-income citizens.⁸² Although the new phase of the project is predicted to spur major economic development within Myanmar, the project is problematic in that it will displace many local villagers in the region.

While project developers claim that villagers are compensated for the move, provided with housing, and have a chance to work in the factories in the SEZ, the villagers claim that the compensation is insufficient and that sanitation issues have arisen that are associated with development of the factories, among other health concerns.⁸³

Recently, Myanmar has also seen improvements in its real estate industry. Kwi Lwin, a member of the Myanmar Engineering Society, has expressed that the real estate and construction market in Myanmar is developing rapidly.⁸⁴ Reports have shown that total investment in Myanmar real estate and construction reached \$8.2 billion in 2015, and is projected to increase to \$13.5 billion by 2020.⁸⁵ While many are optimistic about the real estate market in Myanmar, others believe the construction and real estate markets are cooling down due to decreased demand for real estate.⁸⁶ Moreover, the current government has recently abolished some construction policies, and the abandonment of these policies could have a negative effect on foreign direct investment in Myanmar's real estate sector.⁸⁷

In the local tourism sector of Myanmar, projects are underway to develop tourism in the Myeik Archipelago. This tourism project would involve developing a cruise business that would visit the archipelago during the dry season, as well as on-land developments to make the archipelago more attractive to tourists.⁸⁸ The project will require a great deal of investment and cooperation from the regional government and entrepreneurs on the islands, but is expected to provide significant economic benefit to the local population.⁸⁹ In a proposal sent to the regional Ministry of Resources and Environmental Conservation, the local minister argued that local investors should receive priority in the development of the archipelago, not foreign investors.⁹⁰

In Monywa, the local poultry industry has been struggling due to the H9N2 avian flu virus that hit a designated poultry farming zone earlier this year, with poultry farmers relying on financial assistance from the Myanmar government.⁹¹ Because this is the second consecutive year in which the farmers have lost significant poultry stock due to a virus, farmers have requested permission to breed and farm chickens outside of the designated zone.⁹² Otherwise, they fear they will continue to lose money farming poultry.

Many of Myanmar's large cities are struggling to find finances to make major improvements in development. For example, Mandalay City's municipal authority recently stated that the city would like to complete a number of development projects, but does not have enough tax revenue to implement any of the projects.⁹³ With the city's current budget allocation, it can afford only projects that are limited in scale to single townships, and would not be able to finance major infrastructural repairs, such as repairing electric lines, water pipes, installing a dam system, and other projects for the whole city.⁹⁴ However, proponents of such infrastructure projects have some cause for optimism, as the Mandalay region recently exceeded its tax collection targets.⁹⁵

The Myanmar Ministry of Planning and Finance has recently stated that correctly allocating budgetary resources is one of the most problematic and important steps the government must take to begin developing Myanmar.⁹⁶ This sentiment has resulted in the launch of a new online budget portal that aims to make government funding more transparent and to make government spending initiatives more accessible to the public.⁹⁷ It is the hope that this transparency will spur internal revenue development, and will improve the functioning and legitimacy of state-owned businesses.⁹⁸ Currently, the Internal Revenue Department and the taxation system in Myanmar are notoriously corrupt.⁹⁹ There is not a publicly available list of all the state-owned economic enterprises, nor has the government produced budget audits available to citizens.¹⁰⁰

B. Land Seizures

An October report found that land conflicts in Myanmar have escalated in recent years.¹⁰¹ The report noted that land confiscation and reprisals against protesters are particularly acute in resource-rich Kayin state, which borders wealthier Thailand and is seen as attractive for investment in tourism, mining and agriculture.¹⁰² The peace process and the opening of the country to foreign investors has, according to the report, exacerbated the problem of land seizure as areas previously open only to the Myanmar military and military-linked businessmen are now open to those not affiliated with the military.¹⁰³ Additionally, some farmers have been unable to secure documents required under new laws to prove that they own the land in question, which leaves them vulnerable to having their land seized.¹⁰⁴

In Yangon, farmers are using the court system in an attempt to retrieve land they say had been unlawfully taken from them years ago.¹⁰⁵ The 404 acres of land in dispute were seized in 1989 by the government. Recently, approximately one quarter of this land was designated as the site for a new low-cost housing project.¹⁰⁶ The farmers have brought legal action against the construction firms involved in the low-cost housing project, asking for a return of their land.¹⁰⁷

In Mandalay, farmers contesting the military's seizure of 19 acres of land are "beginning to lose hope that the impasse will be resolved."¹⁰⁸ The farmers have been camping on the land for nine months and have indicated that, despite visits from various government officials, they have yet to see any changes in their situation.¹⁰⁹

Lastly, citizens in the Tanintharyi Region who had been displaced from their ancestral land for over 20 years due to armed conflict, recently were able to return to their land only to find that companies had been granted permission by the Myanmar government to set up palm oil plantation projects in their villages.¹¹⁰ By virtue of possessing land ownership certificates, these companies have a presumptively stronger claim to the land in the eyes of the Myanmar legal system than do the local villagers, who lack any such documentation to support their claims of ownership.¹¹¹

IV. Ethnic Violence

A. Peace Talks

On October 15, the first anniversary of the Nationwide Ceasefire Agreement ("NCA"), Aung San Suu Kyi and the NLD announced a seven-point policy for national reconciliation and peace.¹¹² As part of this policy, the NLD announced that it would review and amend the political dialogue framework that was drafted by the previous administration led by former President Thein Sein.¹¹³ The NLD also promised to convene future meetings of the 21st Century Panglong Peace Conference and to sign a national peace agreement based on the results of the conference.¹¹⁴ Once such a national peace agreement is reached, the NLD would seek to amend Myanmar's 2008 Constitution in accordance with the peace agreement.¹¹⁵ In her speech announcing the new peace policy, Aung San Suu Kyi suggested that the NLD would strive to achieve a national peace agreement and constitutional amendment prior to the next national elections, which are scheduled to occur in 2020.¹¹⁶ Despite this commitment from the NLD,

Myanmar's peace process is at risk due to the military's ongoing offensives against ethnic armed groups, as further described below.

B. Violence Against Ethnic Rebel Groups

Following intensified clashes between the Myanmar Army and the Kachin Independence Army ("KIA"), an estimated 10,000 members of the Kachin public staged a demonstration in the state capital of Myitkyina, calling for an end to ongoing armed conflict. Demonstrators shouted slogans demanding federalism and self-determination and held signs calling for the Myanmar Army to immediately end military offensives.

On October 1, 2016, one Kachin infant was killed and two more children were seriously injured after artillery fire reportedly by the Myanmar Army hit Puwang village in northern Shan State's Muse Township.¹¹⁷ On October 7, 2016, the Myanmar Army reportedly launched air strikes against the KIA.¹¹⁸ Since the 21st Century Panglong Peace Conference, there have been multiple reports of the Myanmar Army launching offensives on the KIA, which have generally been viewed as an attempt to pressure the KIA to sign the national ceasefire agreement before the second round of the peace conference.

It was reported on October 4, 2016 that the Myanmar Army clashed with the Shan State Army-South (SSA-S) over two days in central Shan State, after the Myanmar Army attacked a drug rehabilitation camp set up by the SSA-S in the Warn Lee area of Mong Kung Township. The Shan State Army-South, whose political wing is known as the Restoration Council of Shan State, was among eight ethnic armed groups that signed the NCA with the previous government in October last year. Since then, its relations with the Myanmar Army have been relatively positive. The SSA-S claimed no injuries or casualties on their side, and could not comment on losses on the Myanmar Army side, but claimed to have seized six rucksacks and several landmines, grenades and bullets from the Myanmar Army.¹¹⁹

Human Rights Watch has called upon the Myanmar government and army to urgently ensure humanitarian aid can reach ethnic Rohingya and other vulnerable populations in northern Rakhine State. Following the October 9 attacks on three police outposts in Maungdaw township described above, government security forces declared the area an "operation zone" and began sweeps to find the attackers. According to senior members of the government, security forces have killed 30 people, while five members of the security forces have also been killed. However, reporting is heavily reliant on government sources as journalists have been denied access. Rohingya activists have alleged that government forces have committed serious abuses during the current operations, including summary executions and the burning of villages. Since October 9, authorities have blocked all aid deliveries to Maungdaw township and aid agencies have not been able to conduct a needs assessment. "We have asked [for access] from township level to Union level," a World Food Programme partnerships officer said. "The official explanation [for being denied access] is that security operations are ongoing."¹²⁰

According to an expert from the Council on Foreign Relations (CFR) of the United States, some Myanmar government officials and foreign observers are speculating that groups of Rohingya, furious at their mistreatment over the past five years, are now going to take up arms against local police, security forces, and other officials—and that the October 9 attacks were the

first blow in the battle. Yet Rohingya militant groups that have been mentioned by the Myanmar authorities as linked to the October 9 attacks have no prior track record, and several Myanmar experts who focus on Rakhine State had never heard of these organizations. Some groups, apparently of Rohingya locals, have posted videos on social media in the past two weeks celebrating the October 9 attacks and calling for a battle in Rakhine State, but it remains unclear who these posters are or whether they really have any connection to the past two weeks' worth of violence. Nonetheless, violent attacks by Rohingya in western Myanmar would not only undermine the Rohingyas' international standing but also possibly undermine the work of the Annan commission. A spate of violent attacks by Rohingya militants could give the government and local security forces the pretext to retaliate, using potentially escalated tactics. Moreover, a deteriorating security situation, particularly in northern Myanmar, has made it harder and harder for aid workers to get food and other essentials to civilians on the ground there.¹²¹

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- 3 *Id.*
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- 28 *Id.*
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