

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

FEBRUARY – MARCH 2017 REPORT

Summary. This report reviews the February and March 2017 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

The brazen daylight assassination of prominent human rights lawyer Ko Ni, a legal advisor to the National League for Democracy (“NLD”) party and to Aung San Suu Kyi, has caused fear in Myanmar, especially in the Muslim minority to which Ko Ni belonged. Many Myanmar Muslims have reported their concern that Ko Ni’s killing represents a weakening of the nation’s rule of law.¹ The NLD has termed the killing, which took place in a public airport in the middle of the day, a “terrorist act,” although the motive has not been identified.² A leak of police documents suggests that the killer was hired as a hitman and that the killing may have been racially motivated. Even if these reports are true, however, the details of whoever was ultimately behind the assassination have yet to be revealed.³ The NLD has been reserved in its response to the killing, stating only that the assassination had been aimed at destroying the peace and stability of the country.⁴

The ease with which the gunman was able to carry out the killing of a prominent advisor to Aung San Suu Kyi has caused citizens to fear for their own safety. One person attending Ko Ni’s funeral stated, “[i]f they dare to do this to a ruling party figure like him, it is unimaginable what can happen to ordinary citizens.”⁵ Commentators, including foreign human rights advocates, have expressed their concern that the failure to follow through with a thorough and transparent investigation could undermine the nation’s rule of law and stoke the fires of fear and division, which many believe was the driving motive of the assassination.⁶

The controversial monk Wirathu, who is already famously outspoken against Myanmar’s Muslim minority, took to social media to praise Ko Ni’s killers, an act which caused his immediate censure and prohibition from speaking at an event immediately afterwards.⁷ In addition, the State Sangha Maha Nayaka, Myanmar’s most senior monks, banned him from giving sermons for one year as punishment for repeated hate speech intended to disrupt communities and the rule of law.⁸ It is not clear how the prohibition will be enforced or what the penalty for violating it would be.⁹

One political observer has suggested that it may be time for Myanmar to consider joining the Commonwealth of Nations, a voluntary association of independent and sovereign states, most of which are former British colonies or dependencies.¹⁰ When Myanmar first gained its independence from Britain in 1948, it was unable to join the Commonwealth of Nations due to its adoption of a republican government rather than electing to be a British dominion. However, this barrier was removed one year later through the 1949 London Declaration.¹¹ The benefits of membership would include developmental assistance, association with organizations and activities that could promote and empower democratic reforms and progress, and international credibility for the NLD’s commitment to the democratic transition.¹² The absence of a binding treaty may make accession more palatable to the military elite, who might otherwise balk at the potential limitations imposed on the considerable political power that they have retained in spite of the NLD’s rise.¹³

A former U.S. ambassador to Myanmar wrote an opinion piece in the *Nikkei Asian Review* in March, which marked the first anniversary of the NLD administration.¹⁴ According to the author, the prevailing opinion in Myanmar is that while the NLD is generally perceived to have good intentions, the party does not seem to have done enough to take advantage of the goodwill that carried it into power. The author argued that more concentrated efforts are needed to foster an effective and efficient bureaucracy and promote consistent policies with respect to the economy,

and that the NLD has generally been a disappointment with respect to human and civil rights issues. In particular, the author criticized the NLD's continued enforcement of laws that limit free speech, its apparent lack of commitment to ending ethnic violence, and its apparent indifference toward ethnic and religious minorities.¹⁵ The author cautions that the window for making effective change may already be closing.¹⁶

B. Official Corruption, Sanctions and the International Community

Official Corruption

In February, Min Min Oo, the Chief Minister of the Mon State Parliament, resigned after allegations of corruption while maintaining that he had not engaged in any corrupt practices.¹⁷ Members of the Mon State Parliament and members of the NLD had submitted a complaint alleging corrupt dealings with local businessmen and conducted a three-month investigation into the allegations.¹⁸ According to Win Htein, secretary of the NLD's central executive committee, the investigations did not ultimately prove any corrupt practices by Min Min Oo,¹⁹ and Aung Myint Khine, the Karen Ethnic Affairs Minister and government member, stated that Min Min Oo had not been involved in any bribery or illegal activities.²⁰ In early March, the Mon State Parliament elected Dr. Aye Zan as new chief minister.²¹ In his first statements, the new Chief Minister said that fighting corruption and drugs would be his top priorities.²²

In February, the Upper House voted to abolish the Myanmar International Cooperation Agency ("MICA") following allegations of corruption within the agency.²³ At the time of its creation in 2012, the MICA's stated aim was to promote the meat and fish industries within Myanmar and to improve domestic food sufficiency.²⁴ MICA was intended to coordinate with local and foreign companies to develop underutilized food production assets, especially mainly farms, fisheries, and plants.²⁵ Since its foundation, MICA had taken control of about 60 factories and businesses and hundreds of acres of land and had signed controversial land lease deals with private-sector companies.²⁶ Deputy minister of Agriculture, Livestock and Irrigation Hla Kyaw was quoted saying that MICA would now be shut down, and the lands, farms and factories under its control handed back to the appropriate departments.²⁷

A judge from Upper Myanmar's Magwe Region fled from authorities after she was accused of taking bribes.²⁸ The government's Anti-Corruption Commission had charged Judge Inzali Mya Shein of Pwintbyu Township with accepting bribes in exchange for favorable rulings on two criminal cases involving unlicensed liquor sales and illegal gambling.²⁹ The charges were brought under Article 56 of the 2013 anti-corruption law and carry a maximum prison sentence of 10 years.³⁰ According to the commission, the judge had accepted payments of 500,000 kyat (approximately US \$368) in each of the cases.³¹ The commission said this was the fifth case brought against a high-level public servant in the judiciary sector since the 2013 anti-corruption law was enacted. However, the perpetrators in all five cases have yet to be arrested.³²

According to a government agency handling complaints against members of the Parliament, there have been complaints against approximately 150 lawmakers in the first year of the new Parliament. Most of these complaints have related to Parliament's management of the

100 million kyat regional development funds, including some allegations of embezzlement.³³ According to officials, however, no complainant has yet been able to prove such allegations.³⁴

Sanctions and the International Community

While, the NLD continues to seek reforms aimed at encouraging economic growth and foreign direct investment, the success of these continued efforts has been threatened by the ongoing violence towards the country's Rohingya minority. One observer noted that "[t]here is apprehension that investing in the country may by implication condone the government and military's actions in repressing the Rohingya, or indirectly give them more resources to do so. This is particularly true given that current and former members of Myanmar's military have an outsized role in the country's economy."³⁵

The USA PATRIOT Act limits the ability of U.S. banks to do business with Myanmar customers and, as a consequence, has limited Myanmar's access to sophisticated banking services.³⁶ In March, however, the Kanbawza Bank opened a U.S. dollar settlement account in New York's branch of Sumitomo Mitsui Banking Corporation, with the goal of establishing direct payment channels with domestic US banks.³⁷ This will considerably increase the speed of money transfers which before had to go through several buffer countries.³⁸

Since the lifting of U.S. sanctions against Myanmar, several U.S. corporations (including household names such as General Electric, Coca Cola, PepsiCo, Pizza Hut, and Burger King) have begun limited operations in Myanmar.³⁹ To date, many of these corporations have limited their Myanmar operations to selling imported goods that have been manufactured in Thailand.⁴⁰ Still, automated teller machine maker Diebold Nixdorf opened a permanent office in Yangon on February 2, marking the first significant U.S. investment in Myanmar since the lifting of U.S. economic sanctions.⁴¹ In March, French hotel group Accor Hotels announced that they had entered into an agreement to take over the management of several major hotel complexes in Mandalay.⁴² Accor had opened several of the hotels it now plans to manage in 1995, but relinquished these hotels after the European Union imposed sanctions against Myanmar in 2002.⁴³

In March, Danish authorities imposed injunctions on seven Danish companies that had been importing Myanmar teak into Denmark after authorities found that the companies had violated the European Union Timber Regulation.

II. Civil and Political Rights

A. Freedom of Speech and Assembly

In an open letter to the UN Human Rights Council, Human Rights Watch called for the cessation of the use of criminal law in Myanmar to prosecute and imprison individuals for peaceful speech and assembly, as well as the repeal or amendment of various Myanmar laws in order to enable protection of the rights to freedom of expression, association and peaceful assembly.⁴⁴ The UN Human Rights Council had on the agenda for its most recent session a review of the situation in Myanmar.⁴⁵

Myanmar's parliament has approved a privacy bill, which would prohibit putting persons under surveillance without permission from the court, government or president. The bill has been submitted for presidential approval.⁴⁶

Safety for those speaking out about rights violations remains a concern. A Rohingya woman reported that she had been sought out by military officials and consequently fled to Bangladesh after she spoke to journalists about rape by the Tatmadaw.⁴⁷

B. Economic and Social Empowerment

In early February, senior U.N. officials working with refugees at two separate stations in Bangladesh reported that more than 1,000 Rohingya Muslims had been killed by the Myanmar army.⁴⁸ These reports supplemented the official report that was released by the United Nations Office of the High Commissioner for Human Rights ("OHCHR") at the beginning of the month on the atrocities being committed against the Rohingya population, including the systematic killing and mass rape of Muslims in northwestern Myanmar.⁴⁹

A December report by The International Crisis Group detailing a new Rohingya insurgent group allegedly responsible for attacks that took place in October and November 2016 gained additional coverage in Myanmar's media.⁵⁰ The report claims that the group, called Harakah al-Yaqin, is well-funded, well-trained and has ties to larger insurgent groups, including the Taliban.⁵¹ The report also claims that local recruits are trained by local Islamic scholars in villages, using a fatwa legitimizing the use of violence in fighting for one's own rights.⁵² The report warns that the policies and actions of the Myanmar government have encouraged the growth of this insurgent group and that the government's violent tactics will only make the situation worse (by strengthening the insurgent's determination and increasing local sympathies for their work).⁵³

On February 22, in reaction to the January U.N. report about the atrocities being committed against the Rohingya and to the previously-reported assassination of Ko Ni, Cardinal Charles Bo released a statement calling on the Myanmar population to "heal, not wound" each other.⁵⁴ He called on the government of Myanmar to end its military position and offered his "prayers and solidarity to everyone in Myanmar—and especially at this time in Rakhine state, Kachin state and northern Shan state—who is bereaved, vulnerable, fearful, homeless, hungry, sick and to all the orphans and widows, the victims of rape and torture."⁵⁵

On March 24, the U.N. Human Rights Council agreed to create an international fact-finding mission into alleged rights violations in Myanmar focused specifically on these perpetrated against the Rohingya.⁵⁶ This was only a partial victory for those looking for more U.N. oversight and action on the situation; earlier in the month U.N. special rapporteur on human rights in Myanmar, Yanghee Lee, had called for a full U.N. inquiry into the "systematic, structural, and institutional discrimination" and "long-standing persecution" of the Rohingya,⁵⁷ but the 47 members of the council decided on the fact-finding mission as a compromise to garner more support from other countries in the region.⁵⁸ The resolution passed, but several countries, including Myanmar and the Philippines "disassociated" themselves from the resolution.⁵⁹

The President's Office announced that it has formed a body to accelerate the process of issuing national verification cards to Rohingya waiting for citizenship verification under the 1982 Citizenship Law.⁶⁰ However, in the statement the government avoided using the terms 'Rohingya' or 'Bengali' and merely referred to "those in Arakan State waiting for citizenship

verification.”⁶¹ The cards are meant to serve as proof of identity and prevent illegal immigration, while also facilitating citizenship verification.⁶²

March 8 was the first time that Myanmar celebrated International Women’s Day with an elected civilian government. The theme of celebrations was “Be bold for change.”⁶³ In an interview in the days leading up to celebrations, several leaders of women’s rights organizations highlighted some of the biggest challenges to gender equality in Myanmar. May Sabe Phyu, the director of Gender Equality Network, stated that with the lowest female parliamentary participation in the southeast Asia region, “the most urgent challenge facing women in Myanmar is achieving meaningful participation at all levels of decision making.”⁶⁴ Khin Lay Nge, the director of women’s empowerment group Phan Tee Eain, noted that the legal system in Myanmar is skewed against women, in spite of the fact that the country is party to the Convention on the Elimination of all Forms of Discrimination Against Women.⁶⁵ Other experts cited poor healthcare and reproductive rights statistics in the country and the fact that only half of Myanmar’s women are part of the formal labor force.⁶⁶ To mark the event, the Myanmar Times interviewed people across the country on their opinions about the state of women.⁶⁷ Women’s groups also gathered to celebrate the event, including members of civil society, authorities and the business sector,⁶⁸ but there were no reports regarding official government-sponsored events.

On March 30, Aung San Suu Kyi delivered a 30-minute address on state television reporting on the developments made by her government since it took power nearly one year ago.⁶⁹ While touting changes that the NLD-government has made, especially in the area of health care, she admitted that the peace initiative has faced many challenges.⁷⁰ “For national reconciliation, we have to treat everyone equally,” she said, promising that the peace process would continue to be a top priority of her government and reiterated a promise made the prior year to rule by “metta” (loving kindness).⁷¹

Programs for economic empowerment are also underway across all regions of Myanmar. Most recently, the government announced a plan to set up a land rental system across the country to benefit entrepreneurs, with a pilot program already in place in Yangon.⁷² In a meeting with the Mandalay Region Merchants and Industrialists Association, Union Minister for Planning and Finance Kyaw Win explained that because the cost of land is a large investment for many entrepreneurs, the regional government will be providing land for rent and will support setting up infrastructure including roads, water and electricity.⁷³ In spite of the promise of this program for entrepreneurs, critics of the country’s economic development note that there is no evidence of substantive changes for the private sector writ large.⁷⁴ Many investors postponed their projects before, during and even after the 2015 election, due to the huge uncertainty surrounding the country, concerned about peaceful transition of power and whether economic reforms rolled out under Thein Sein’s government would witness a reversal.⁷⁵

III. Economic Development

A. Legal Framework and Foreign Investment

The Japan International Cooperation Agency will provide a loan of 15 billion kyat to the Myanmar government to develop small and medium enterprises in 2017. The Myanmar government will in turn use these funds to provide loans to Myanmar businesses through the Myanmar Economic Bank.⁷⁶

A wealth of new data about Burma's business sector was made available with the publication of the Myanmar Business Survey. Almost 15,000 businesses across the country were surveyed in 2015, making the report the most comprehensive survey of Myanmar private businesses to date. The main conclusion of the report is that there is little diversification in Myanmar's private sector. In both the manufacturing and the service sector, the vast majority of businesses produce either food and beverage products or tobacco products.⁷⁷

In early March, Burma's Directorate of Investment and Company Administration announced new regulations for the recently adopted Myanmar Investment Law, which officials hope will help the country attract foreign investment.⁷⁸

While the kyat has recently depreciated, IMF officials have argued that such depreciation is appropriate for Myanmar's current economic condition. The IMF argued against intervention by the Myanmar central bank, stating that the central bank should intervene only when rapid and large exchange rate movements threaten to cause a disorderly market and financial instability.⁷⁹

Aung San Suu Kyi met with Thailand's Deputy Prime Minister Somkid Jatusripitak in February. The Deputy Prime Minister highlighted the economic importance of border trading for both countries, and announced that both sides had agreed to deepen ties by extending and upgrading the Thailand-Myanmar Road.⁸⁰ The Thailand and Myanmar business delegations signed a total of 16 bilateral memoranda of understanding related to the promotion of small businesses, the digital economy and software standards, with a particular emphasis on information sharing.⁸¹

B. Infrastructure and Major Projects

PepsiCo reconfirmed its focus on promoting economic development in Myanmar during a visit to the country this month to discuss its sponsorship of an agricultural program in Myanmar. The agricultural program would help PepsiCo fulfill its demand for potato supplies in Southeast Asia, while providing economic opportunities for local farmers.⁸² After identifying Myanmar as a place with fertile lands and favorable climates, PepsiCo has partnered with local farmers, training them on sustainable agriculture practices, and guiding them on investments in infrastructure. With continued yield improvements in potato crops, observers have forecast an approximately 9% increase in farmers' income in 2017.⁸³

The Myanmar Investment Commission ("MIC") recently recommended constructing garment factories in Ponnakyun town. The recommendation was a response to the Central Committee for Implementation of Peace and Development's request that the MIC create local job opportunities to prevent internal migration from the region.⁸⁴ The MIC has prioritized garment factories because of the availability of land and a large female workforce in Ponnakyun town. The MIC has tried to spark investment in the proposed project, stating that investors would have exemptions or relief from customs duties and other internal taxes on importation of raw materials and partially manufactured goods.⁸⁵

Myanmar's leading retailer, City Mart Holding Ltd, plans to launch its first e-wallet service in mid-2017 with support of a Thai financial technology company, T2P.⁸⁶ The two companies recently signed a memorandum of understanding to form a joint venture. According

to the Ministry of Transportation and Communications, the number of data users in Myanmar is now 20 times higher than when the nation allowed foreign telecommunications operators to enter the country in 2014. However, the World Bank estimates that less than 20% of the Myanmar population uses formal financial technology services.⁸⁷ Win Win Tint, the founder of City Mart Holding Ltd., admits that it may take time for Myanmar citizens to switch from primarily using cash to using e-wallets, and stated that the company is planning to combine the introduction of e-wallets with a rewards program so that consumers may adopt the new technology more quickly.⁸⁸

The Ministry of Hotels and Tourism announced its hope to expand Kawthaung Airport to be the nation's next international airport.⁸⁹ According to Minister Ohm Maung, Mergui Archipelago has significant potential to attract tourists, but transportation infrastructure must be developed in order to tap the region's tourism potential. Although the Kawthaung district acts as a commercial hub for southern Myanmar, Kawthaung's domestic airport is currently in poor condition and is incapable of welcoming the rising number of international tourists who come to see the area.⁹⁰

The Thilawa Special Economic Zone ("SEZ") has continued to develop, creating more economic growth opportunities in Myanmar. Two new foreign firms have announced plans to operate manufacturing operations in the SEZ, including a Thai metal packing firm that is set to invest \$5.1 million in a plant in the zone and a Singapore property group that plans to open a plant producing fabricated steel bars and other steel products.⁹¹ The SEZ has the potential to promote economic development in Myanmar by encouraging new industries to enter the country, as well as by stimulating job growth within the region.

On March 7, a group of government officials met to discuss building a 3200 kilometer India-Myanmar-Thailand trilateral highway, designed to bridge the emerging economies of northeast India, Myanmar, and Thailand.⁹² A meeting was arranged with visiting Thai business delegates and local entrepreneurs with the intention to open channels for future business and trade ties.

C. Land Seizures

The Union Minister for Agriculture, Livestock and Irrigation announced that his ministry is working to amend two land-related laws with the goal of helping to resolve disputes over confiscated land and to streamline the process of returning such land to its rightful owners.⁹³ Details of the amendments have not yet been provided.⁹⁴ The minister indicated that since taking office, his ministry has been reviewing land-related disputes for up to two to three months, and has received about 1000 complaint letters.⁹⁵

In Yangon, factory owners have reported that squatters occupying vacant factory compounds refuse to leave unless they are paid.⁹⁶ The factory owners have complained that they have been unable to expand their business because of the squatters.⁹⁷

In Mandalay, protesters prevented vehicles from leaving a copper mine, claiming that the mine's operators had failed to compensate locals for confiscated land.⁹⁸ After five days, the protestors called off their protests, allowing the road to reopen.⁹⁹ The protests were called off after the chief minister of their division assured protestors that he would negotiate with the

mining company over compensation.¹⁰⁰ However, approximately 25 farmers were sued for violating peaceful assembly acts as a result of the protest.¹⁰¹

Farmers in Mandalay have set up a meeting with the regional government to present their demands related to confiscated land.¹⁰² A group of over 300 farmers formed a committee to represent themselves and to present their requests that the lawsuits filed against them be withdrawn and that permission to farm again on the confiscated lands be granted.¹⁰³

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

On February 3, the U.N. OHCHR released a report on the situation in northern Rakhine state in which it accused security forces of committing various human rights violations.¹⁰⁴ The Ministry of Foreign Affairs responded to the OHCHR report, stating that the government, through the Maungdaw Investigation Commission (“MIC”), will take necessary measures to determine if there is evidence of such violations.¹⁰⁵ The Ministry also claimed that it had requested that the OHCHR provide evidence of the alleged violations, but no evidence had been provided.¹⁰⁶ In addition, the Tatmadaw have formed their own team of senior military officials to investigate the alleged human rights violations committed by security personnel.¹⁰⁷

Meanwhile, the MIC has been granted an extension to submit its concluding report after the commissioner requested more time “due to new human rights allegations.”¹⁰⁸ The commission’s interim report, released on January 3, drew intense criticism after it largely refuted allegations of grave human rights abuses related to the ongoing counter-insurgency campaign.¹⁰⁹ According to the commission’s secretary, there will be additional field investigations in Maungdaw district.¹¹⁰ No new deadline for the submission of the final report has been set.¹¹¹ The separate Advisory Commission on Rakhine State, headed by Kofi Annan and mandated to develop development plans and alleviate sectarian tensions, is expected to release its report before August 2017.¹¹²

According to the Ministry of Social Welfare, Relief and Settlement, state counselor Aung San Suu Kyi has contributed 300 million kyat in cash to replenish food supplies at camps for internally displaced people (“IDPs”) in Kachin state.¹¹³ Any remaining funds will be used for the medical and educational needs of the camps’ residents, as well as for coats and blankets.¹¹⁴ However, contributions will only be made to camps within government-controlled areas, and not those under the control of the Kachin Independence Organization (“KIO”), due to security concerns.¹¹⁵ While camp officials and state leaders have welcomed the contributions, they say they are yet to receive any details as to how the contributions will be made and that further assistance is still required.¹¹⁶

A Malaysian humanitarian mission arrived in Yangon on February 9 with over 300 tons of relief goods for refugees in Rakhine state.¹¹⁷ The Myanmar government has undertaken to distribute the goods to both Bengali and Rakhine refugees.¹¹⁸ Despite the apparent cooperation between the two countries, a group of nationalists and monks staged a protest at the port, claiming that the Malaysian aid was a form of political exploitation.¹¹⁹

Clashes between the Tatmadaw and the Kokang rebels of the Myanmar National Democratic Alliance Army (“MNDAA”), a Northern Alliance member, erupted again in the Kokang Self-Administered Zone.¹²⁰ When asked for comment, the Ministry of Defense stated that it had no intention to release news of the clashes.¹²¹ Another Northern Alliance member, the Ta’ang National Liberation Army (“TNLA”), has urged the government to find a solution through peaceful negotiations, but added that the government’s peace efforts were being undermined by the Tatmadaw’s ongoing offensives.¹²²

In early February, clashes also broke out between the TNLA and the Shan State Army-North (“SSA-N”) after failed negotiations regarding the crossing of territory.¹²³ The two groups are known to be allies and it is believed that this is the first-known instance of fighting between them, even though they have both long claimed territories close to each other.¹²⁴ The parties later agreed to maintain troop positions in order to avoid further clashes.¹²⁵

The KIO’s vice chairman, Gen Gun Maw, has accused government- and Tatmadaw-controlled media organizations of misleading the public about the Tatmadaw’s military offensives, saying that the Tatmadaw is only fighting groups who have not signed the nationwide ceasefire agreement (“NCA”).¹²⁶ However, according to him, many smaller non-signatory groups without armed wings are being permitted to participate in the peace process, while groups such as the Kachin Independence Army (“KIA”) and the KIO have been the subject of repeated military offensives despite their willingness to participate in the peace process.¹²⁷

The Tatmadaw and the New Mon State Party (“NMSP”) met on February 16 to address the conflict surrounding the Tatmadaw’s seizure of two NMSP checkpoints and the raiding of the organization’s liaison office in Ye Township, Mon State.¹²⁸ According to NMSP officials, the Tatmadaw agreed to return the bases in accordance with bilateral ceasefire agreements between the parties but haven’t done so yet.¹²⁹ The parties agreed to hold further discussions, with the Tatmadaw urging the NMSP to sign the NCA, which has led the NMSP to believe that the seizures were designed to pressure the group into signing the NCA.¹³⁰

On March 6, over 30 people were killed in clashes between the MNDAA and Myanmar’s security forces along the Myanmar-China border.¹³¹ The MNDAA, a predominantly ethnic Chinese group that is part of the Northern Alliance, launched a pre-dawn attack on police posts, military installations and government administrators in the capital of the northeastern Kokang region, Laukkai, and four policemen were taken hostage.¹³² While the attacks were still underway, Aung San Suu Kyi issued a statement in which she “strongly urge[d] all sides to come to the peace negotiating table by abandoning the armed attacks, which have caused many deaths and problems for the citizens, who are not guilty, and the residents of the area.”¹³³

B. Peace Talks

Thousands of protestors staged demonstrations across the country on February 4, calling for an end to fighting, the free flow of aid to IDPs, a reduction in military expenditure and a unilateral ceasefire declaration from the Tatmadaw.¹³⁴

The Union Peace Dialogue Joint Committee (“UPDJC”), a government committee with authority to oversee national- and union-level political dialogues, announced early in

February that the second 21st Century Panglong Conference would begin on February 28.¹³⁵ However, after issues concerning the national-level political dialogues, as well as the announcement that the Karen National Union (“KNU”) had scheduled its party congress for March 14, it was agreed that the Panglong Conference would be postponed to late-March, with no specific date being given.¹³⁶ The KNU, an NCA signatory and strong proponent of both ethnic unity and ethnic groups’ involvement in the peace process, expects to elect new leadership at its upcoming congress.¹³⁷

After national-level political dialogues were held in Kayin state and the Tanintharyi Region in January, the UPDJC agreed to hold three more dialogues, two in Shan state and one in the Bago Region.¹³⁸ However, the UPDJC also initially rejected requests from the Chin National Front (“CNF”) and the Arakan Liberation Party (“ALP”) for similar dialogues in Chin state and Rakhine state, respectively.¹³⁹ After criticism from the CNF, ALP and Chin National Democratic Party, who all indicated that they were considering boycotting the Panglong Conference in retaliation, the government backtracked and decided to approve national-level dialogues in both states.¹⁴⁰ As the intention is for the results of the national-level dialogues to be processed into policy papers to be discussed at the union-level Panglong Conference, the issues regarding these dialogues necessitated the postponement of the Panglong Conference.¹⁴¹

At the national-level political dialogue held in Shan state, the Pa-O ethnic group decided to present the idea of a secular state at the upcoming Panglong Conference.¹⁴²

A two-day national-level civil society organization (“CSO”) peace forum was held in Nay Pyi Taw to discuss the terms of reference for national-level political dialogues (which includes the CSO peace forum) drafted by the UPDJC.¹⁴³ The terms of reference have been criticized for, among other things, limiting the range of issues that may be discussed.¹⁴⁴

The United Wa State Army (“UWSA”) held a summit for non-signatory ethnic armed groups in order to discuss the ongoing peace process.¹⁴⁵ At the summit, the UWSA’s chairman, Bao Youxiang, criticized the government-led peace process and called for a new ceasefire agreement to replace the NCA.¹⁴⁶ Even though members of the United Nationalities Federal Council (“UNFC”) attended the summit, a UNFC official said that the statement made by Bao Youxiang does not reflect the UNFC’s views and reiterated their support for the NCA process.¹⁴⁷ Members of the Northern Alliance also attended the summit.¹⁴⁸

The chairman of the KNU met with the KIO’s central committee to discuss Myanmar’s peace process.¹⁴⁹ The KNU, a signatory to the NCA, and the KIO, a non-signatory, pledged to collaborate to achieve peace in accordance with NCA principles and to seek inclusion of all stakeholders.¹⁵⁰ The KNU chairman also met with Chinese authorities in Kunming, China.¹⁵¹ At that meeting, China’s Special Envoy of Asian Affairs, Sun Guoxiang, reiterated that the Chinese government was willing to take active steps to facilitate and encourage the peace process in Myanmar, but that it would not take sides in peace negotiations.¹⁵² Sun Guoxiang stated that the Chinese government had also repeatedly advised the Myanmar government and the Tatmadaw that non-signatory groups should be able to attend the upcoming Panglong Conference as this would benefit all stakeholders.¹⁵³

In a statement released at the conclusion of the pre-21st Panglong Kachin National Conference held in Myitkyina from February 16 to 18, armed ethnic groups in Kachin have reiterated their condemnation of the Shan State legislature's decision to brand them as 'terrorist organizations' and have demanded that the label be dropped.¹⁵⁴ Peace advocates in the region have agreed, stating that the designation delegitimizes the groups and thereby hinders the peace process.¹⁵⁵

After repeated requests and continued violence in northern Shan and Kachin states, the government peace commission has finally agreed to grant the KIA, a non-signatory group, an individual meeting.¹⁵⁶ A representative of the KIA stated that the aim of the talks is to discuss a possible ceasefire and further political negotiations.¹⁵⁷ When asked whether the KIA would attend the second Panglong Conference, he stated that the KIA would attend as a member of the UNFC.¹⁵⁸ However, it is unclear whether the UNFC will itself attend the conference after it reiterated last month that it will only join the upcoming peace conference if all seven of its member groups are invited as full participants, not merely as observers.¹⁵⁹

At the 70th Union Day celebrations in Panglong on February 12, state counselor Aung San Suu Kyi used her public address to again urge non-signatories to sign the NCA and participate in the upcoming peace conference.¹⁶⁰ The UNFC responded by saying that its members would sign the NCA if the government made it "all-inclusive for every armed group to sign the NCA".¹⁶¹ The TNLA, on the other hand, advised that it wanted to sign the NCA, but the government did not invite it to be part of the peace process.¹⁶²

Later, on March 28, during a visit to northern Kachin State, including the Mai Na IDP camp, Aung San Suu Kyi called on all armed groups, including the Kachin Independence Army to join the nationwide ceasefire agreement, which she promised would guarantee political dialogue, monitoring, and amending the constitution.¹⁶³ The next day, one of the nascent Rohingya militant groups, Arakan Rohingya Salvation Army, released a YouTube video calling for international peacekeepers to protect the stateless Rohingya population. In the statement, it explained that its October attacks on police border posts were to "defend, salvage and protect [the] Rohingya community in Arakan" and that they "have the legitimate right under international law to defend [them]selves in line with the principle of self-defence."¹⁶⁴

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