

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

FEBRUARY 2018 REPORT

Summary. This report reviews the February 2018 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. In Focus: Rohingya Refugee Crisis

Repatriation Efforts

On February 8, the United States, the United Kingdom, France, and five other countries requested that the UN Security Council discuss the fate of the Rohingya refugees, nearly three months after the council adopted a statement demanding that Myanmar rein in its security forces and allow the Rohingya to return to their homes.¹ In response to the request, Filippo Grandi, the UN High Commissioner for Refugees, briefed the Security Council on the Rohingya crisis on February 13. He explained that while “the [Bangladeshi] Government is steering a massive emergency preparedness effort,” international support “must be stepped up to avert a catastrophe.”² He said that conditions are not yet conducive to the voluntary repatriation of Rohingya refugees to Myanmar, because “the causes of [the Rohingya’s] flight have not been addressed, and we have yet to see substantive progress on addressing the exclusion and denial of rights that has deepened over the last decades, rooted in their lack of citizenship.”³

On February 15, Lt. Gen. Kyaw Swe, Myanmar’s home minister, met with Asaduzzaman Khan Kamal, his Bangladeshi counterpart, to discuss a trouble-plagued scheme to repatriate Rohingya Muslims who fled military assaults and now are in camps in Bangladesh.⁴ While both countries have insisted that they are committed to the repatriation of Rohingya who can prove they recently left Rakhine, each side has blamed the other over months of sporadic talks for failing to put into effect a voluntary repatriation agreement signed in November.

In February, Bangladeshi Prime Minister Sheikh Hasina called on the international community to increase pressure on Myanmar to take back the Rohingya, stating that “the problem has been created on the other side of the border, and the solution to this problem also lies there. That’s why the bigger responsibility of implementing the agreement lies on Myanmar’s shoulders, but we haven’t gotten that kind of response from Myanmar yet.”⁵ Meanwhile, authorities in Myanmar are pointing fingers the other way. “We are ready for repatriation, but the Bangladesh side is not ready yet,” said Zaw Htay, the spokesman for Myanmar’s presidential office, on February 15.⁶

Lost in the debate are the desires of the Rohingya Muslims, who do not have a formal representative in the talks.⁷ The continuing refusal by Myanmar’s authorities to acknowledge any atrocities against Rohingya civilians worries many of those sheltering in Bangladesh. “We will go back, but we must be given safety,” said Mohammed Zahid Alam, a Rohingya who now lives in the Balukhali refugee camp in Bangladesh. “We want a peaceful life.” Beyond the fundamental issue of security, most Rohingya have little interest in returning to a country that has denied them basic rights, like freedom of movement and higher education.⁸ Rohingya community leaders in the Bangladesh camps say they will return only if Myanmar’s government gives them the same rights it has given the country’s dozens of other ethnic minority groups.⁹ “Our demands are known to all,” said Mohammed Osman, who arrived in Bangladesh in early September and is now a deputy camp block chief. “We want full citizenship rights.”

In the repatriation agreement signed last November, Myanmar and Bangladesh agreed to the return of willing Rohingya who could prove they had fled to Bangladesh since October 2016, when an earlier Rohingya insurgent assault catalyzed a smaller exodus. The repatriation process was supposed to begin by Jan. 23. That deadline was quietly delayed without much clarity on when the new start date for repatriations might be. A further agreement was signed in mid-January, stipulating that Rohingya returns should be completed within a two-year period. But apart from a token number of people who have returned to Myanmar, including some Hindu families, no one is rushing back.

Further, human rights groups accuse Myanmar of doing little to create safe conditions for repatriation. “Burmese authorities have shown no ability to ensure the safe, dignified and voluntary return of Rohingya refugees as provided by international standards,” said a statement from Human Rights Watch. Myanmar officials have said that they will be able to process up to 300 people a day, five days a week, once the repatriation system is set in motion. But if all the Rohingya who escaped to Bangladesh since October 2016 wanted to return home, it would take almost a decade.

Refugee Camp Conditions

Bangladesh is an overcrowded and flood-prone nation. And with more Rohingya now crammed into the border district where their camps are located than there are native Bangladeshis, political and economic concerns are beginning to trump the remarkable hospitality that many residents have shown the refugees. To provide shelter for the influx of Rohingya, vast tracts of forest and farmland have been cleared. Prices for everything from building supplies to cooking oil have skyrocketed, while local wages have declined because of a sudden surge in Rohingya desperate for any kind of work.¹⁰

Bangladesh’s government says it is proceeding with a controversial plan to turn an uninhabited, low-lying island in the Bay of Bengal into a new shelter for the Rohingya.¹¹ Meanwhile, the cyclone season may begin in Bangladesh as early as next month, threatening to turn the Rohingya camps into a muddy mess in which disease can thrive. As flooding worsens in the summer, at least 100,000 people may have to be moved from their current shelters because of the threat of landslides on recently denuded hills.¹²

There remains an open question as to where Rohingya would live upon being repatriated to Myanmar, after so many of their towns and villages have been destroyed by the Myanmar Army. The Myanmar government has built camps, comprised of rows of longhouses in Rakhine in which repatriated Rohingya are supposed to stay for an unspecified period of time.¹³ The compounds are surrounded by barbed-wire fences, with little in the way of trees or shade, and no signs of accessible fields or paddies that could support Rohingya communities. Human Rights Watch has called these camps “open-air prisons.”¹⁴

The case of Rohingya who suffered from an earlier outbreak of violence is cautionary. In 2012, communal clashes forced urban Rohingya in central Rakhine from their homes. More than five years later, around 120,000 Rohingya are still confined to what had been deemed temporary camps. Unable to leave the camps without special permission, the Rohingya remaining in central Rakhine are dependent on aid to survive. Yet international aid groups say

that since the Rohingya insurgent attacks last August it has been much more difficult to deliver food and other necessities.¹⁵

In mid-February, Myanmar's state news media announced that the camps in central Rakhine would be closed but gave no details of what would happen to their inhabitants. Zaw Htay, the presidential spokesman, confirmed that the camps in Sittwe, Myebon and Kyaukphyu will be shuttered. "We will relocate the refugees to appropriate places," he said. "Now we don't want to tell the media where we will relocate them."

Continuing Violence Against Rohingya

In early February, the Associated Press ("AP") uncovered evidence suggesting that hundreds of Rohingya had been massacred in late August by Myanmar authorities and buried in mass graves.¹⁶ At least five mass graves, all previously unreported, were confirmed by the AP through multiple interviews with more than two dozen survivors in Bangladesh refugee camps and through time-stamped cellphone videos.¹⁷ The Burmese government regularly claims such massacres of the Rohingya never happened, and has acknowledged only one mass grave containing 10 "terrorists" in the village of Inn Din. However, the AP's reporting shows a systematic slaughter of Rohingya Muslim civilians by the military, and suggests many more graves hold many more people.¹⁸

UN spokesman Stephane Dujarric called the AP report "extremely troubling," and urged Myanmar to allow access to the region for further investigation. Spokeswoman Heather Nauert also said the US State Department was "deeply, deeply troubled by these reports of mass graves."¹⁹ Repeated calls by the AP to Myanmar's military communications office went unanswered. Htun Naing, a local security police officer in Buthidaung township, where the village is located, said he "hasn't heard of such mass graves."²⁰

According to a report released by Amnesty International on February 7, authorities in Myanmar have robbed, abducted and deliberately starved Rohingya men, women and children, in an effort to make life "so intolerable" for members of the minority group that they will leave the country.²¹ Amnesty based its findings on interviews conducted in Bangladesh with 11 Rohingya men and eight women who fled their homes in December and January.

Security forces have robbed Rohingya families at checkpoints as they attempted to flee to Bangladesh and abducted women and girls from their villages, prompting others to leave in fear, Amnesty reported. However, the Rohingya said the main reason they continue to flee the country is a shortage of food. "We weren't able to get food, that's why we fled," Dildar Begum, 30, from a village near the town of Buthidaung in Rakhine state, told Amnesty International.²² The food shortage has reportedly been caused in large part by the actions of Myanmar's security forces, who are blocking Rohingya from accessing their rice fields, markets and humanitarian aid. According to the report, instead of terrorizing the population through killings, rapes, and the widespread burning of Rohingya villages, security forces are today using mainly quieter and more subtle measures to squeeze people out, making life so intolerable that they have little option other than to leave.²³

B. International Community / Sanctions

On February 8, a US Senate committee approved a bill that will make it easier for the Trump administration to impose targeted sanctions and travel restrictions on Burmese military leaders implicated in the ongoing human rights atrocities against Rohingya Muslims.²⁴ A similar bill has been introduced in the House of Representatives. If enacted into law, the Burma Human Rights and Freedom Act will ban certain forms of military cooperation with the Myanmar military until the US Departments of State and Defense each certify that officials have ended the violence in Rakhine State.²⁵

The bill, introduced by the Senate Foreign Relations Committee, also supports reform in Myanmar's economic and security sectors and encourages the country's successful power transition to a civilian government. Senator John McCain, one of the bill's sponsors, said that the bill is "a step in the right direction to protect Burma's fledgling democracy and hold accountable the senior military officials responsible for the slaughter and displacement" of Rohingya.²⁶

On February 16, the Canadian government imposed sanctions under Canada's Justice for Victims of Corrupt Foreign Officials Act against Burmese General Maung Maung Soe (who is also the subject of US sanctions imposed in December 2017) due to his role in the brutal security crackdown against Rohingya Muslims.²⁷ A statement from the Foreign Affairs department said that Maung Maung Soe is, "in the opinion of Canada's governor-in-council, responsible for, or complicit in, gross violations of internationally recognized human rights committed against individuals in Myanmar who sought to exercise and defend their human rights and freedoms."²⁸ These sanctions impose a dealings prohibition, which effectively freezes the individual's assets in Canada and renders him inadmissible to Canada under the Immigration and Refugee Protection Act." The Canadian Foreign Affairs Minister, Chrystia Feeland, said that "it's important particularly for the military leadership in Myanmar to understand that the eyes of the world are on them, that they will be held accountable for their actions by the world, and this really must stop."²⁹

On February 26, the European Union agreed to prepare similar sanctions against Myanmar generals in response to the killings of Rohingya Muslims, and to strengthen the EU arms embargo, accusing state security forces of grave human rights abuses. European Union foreign ministers asked the EU's policy chief, Federica Mogherini, to compile a list of names of individuals who would be subject to EU travel bans and asset freezes. One EU diplomat said the EU's list was likely to include more than just one senior military officer. In a statement, ministers called for "targeted restrictive measures against senior military officers of the Myanmar armed forces responsible for serious and systematic human rights violations without delay." The EU arms embargo on Myanmar, in place since the 1990s, is also expected to be strengthened.³⁰

A leaked UN confidential report revealed that Myanmar is continuing to take delivery of North Korean weapons in violation of UN sanctions and despite the fact that Burmese officials continue to deny any relationship with North Korea.³¹ According to the report, North Korea violated UN sanctions to earn nearly \$200 million in 2017 from banned commodity exports, according to a confidential report by independent UN monitors, which also accused

North Korea of supplying weapons to Syria and Myanmar. UN monitors had investigated ongoing ballistic missile cooperation between North Korea and Myanmar, with the investigation finding “further evidence of arms embargo and other violations, including through the transfer of items with utility in ballistic missile and chemical weapons programs.”³² The UN monitors also said one country, which they did not identify, reported it had evidence that Myanmar received ballistic missile systems from North Korea, along with conventional weapons, including multiple rocket launchers and surface-to-air missiles.³³ Myanmar UN Ambassador Hau Do Suan said the Myanmar government “has no ongoing arms relationship, whatsoever, with North Korea” and is abiding by the UN Security Council resolutions.³⁴

C. Official Corruption

On February 4, the Myanmar Anti-Corruption Commission filed a lawsuit against Thein Zaw Oo, the deputy commissioner of Phapun District, for irregularities in allotting 20 land plots and for embezzlement of over 33.3 million kyat of mineral revenues while he was serving as Tamu District commissioner. This first lawsuit against an important government official was brought under Section (56) of the Anti-Corruption Law.³⁵

The Anti-Corruption Commission provided Burmese police with a list of 12 fugitives wanted on corruption charges. The list included two judges, a public prosecutor, the head of a police station, and two public administrators. The Myanmar Police Force published the list of wanted individuals to its website and Facebook page on February 21. The corruption charges that each of the suspects face carry sentences of up to 10 years’ imprisonment for taking bribes while holding a political post or being in position of competent authority.³⁶

On February 6, representatives from the Anti-Corruption Commission met with UN officials to discuss the Anti-Corruption Commission’s progress so far in 2018 and its cooperation with the UN Development Program in the fight against corruption during the next four years.³⁷

The proposed amendments to Myanmar’s Anti-Corruption Law, released for public comment in January, have raised hopes that the Anti-Corruption Commission will be able to more effectively curb corruption among high-ranking officials in the Burmese government.³⁸ Aung Kyi, chairman of the Anti-Corruption Commission, has said that the Commission must also tackle “grand corruption.”³⁹ This includes the exploitation on a large-scale of valuable natural resources in which large and powerful institutions may be complicit.⁴⁰

On February 26, South Korea announced that it will share best-practice techniques from its own corruption prevention system to help Myanmar in its fight against corruption. The South Korean Corruption Impact Assessment System, launched in 2006, is already in use in Indonesia and Mongolia. The system requires the state anti-corruption watchdog to review all bills from government agencies to remove any elements that could lead to corruption. Officials from the South Korean anti-corruption agency will hold video conferences and workshops with Myanmar officials to train them in how to use the system.⁴¹

II. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

Facebook has removed the page of a notorious Burmese monk for his incendiary posts about Muslims, the company confirmed, as it faces pressure to clamp down on hate speech.⁴² Wirathu, a prominent face of Myanmar's Buddhist ultra-nationalist movement, had amassed hundreds of thousands of followers on the network, using it as a platform to attack Muslims, singling out the stateless Rohingya minority.⁴³ In a 2013 cover story about Wirathu, who has been dubbed "the face of Buddhist terror" and has referred to himself as the "Burmese bin Laden," Time Magazine stated that "Wirathu is charismatic and powerful, and his message resonates."⁴⁴ Since then, Wirathu has been able to grow his support base on social media, using his perch to disseminate anti-Muslim hate speech, jingoistic sermons and virulent rumors about the stateless Rohingya minority.

A Facebook spokesperson, in confirming that Wirathu's page had been removed, stated that his page had violated Facebook's community standards. "If a person consistently shares content promoting hate, we may take a range of actions such as temporarily suspending their ability to post and ultimately, removal of their account," the unnamed spokesperson said.⁴⁵ While Wirathu may have lost his main pulpit, his videos remain in circulation and several other pages have cropped up to spread similarly inflammatory material. "They remove his account but not his videos and his religious hate speeches, they are still on Facebook and his followers are spreading it," said Thet Swe Win, a Yangon-based interfaith activist.⁴⁶

B. Freedom of the Press and Censorship

Esther Htusan, the Associated Press correspondent in Yangon, recently left the country after receiving death threats. The online harassment began when—hours before news of attacks against Rohingya in August emerged—she appeared on a panel and spoke of suspected human rights abuses by the military in Rakhine State. In November, one of her reports seemed to suggest that Aung San Suu Kyi was saying illegal immigration caused terrorism. The Associated Press corrected this report, but the Myanmar Broadcasters Association denounced Htusan.⁴⁷

On-the-ground reporters have generally described a deteriorating environment for press freedom. Journalist visas are reportedly becoming harder to obtain, and reporters are being asked to provide a detailed itinerary and a signed declaration that they will not visit "restricted and operational areas."⁴⁸ The Committee to Protect Journalists recently "awarded" Aung San Suu Kyi the dubious distinction of being the world's biggest backslider on press freedom in 2017.⁴⁹

Most prominently, two Reuters journalists who were arrested on December 12 after dining with two policeman who then handed them rolled-up documents, have been charged with intent to expose state secrets.⁵⁰ Prior to their arrest, Wa Lone and Kyaw Soe Oo had been working on an investigative report on the killing of ten Rohingya Muslims who had been buried in a mass grave.⁵¹ At a hearing on February 5, prosecution witness and one of the two policeman to arrest the two men, Police Second Lieutenant Tin Htwe Oo, read from a notebook to recount

details of the arrest.⁵² He said these notes were based on notes written at the time of the arrest, but under cross-examination by the defense, said he had burned the original notes. He denied being instructed to do so. Wa Lone and Kyaw Soe Oo's defense lawyer told reporters that "only the police will know the reason" for the destruction of the original notes.⁵³ The two reporters' application for bail was denied at the last hearing and they have now been in detention for eight weeks. They are currently in Insein prison, where thousands of dissidents, including journalists and current government officials, served time in the days of military rule.

In February, Reuters published the exposé on which Wa Lone and Kyaw Soe Oo had been working, which was strongly sourced and describes the slaughter of 10 Rohingya men who were apparently picked at random to be killed by soldiers from a group of displaced people in the village of Inn Din. As the case drags on, the reporters' imprisonment has become a defining moment for how the new Myanmar is perceived in the outside world. In February, PEN America, a literary and human rights organization, announced that it was awarding Wa Lone and Kyaw Soe Oo with its PEN/Barbey Freedom to Write Award, which honors those who have risked adversity in the cause of free expression.⁵⁴

C. Land Seizures

In the Thanbyuzayat township of Mon State, over 200 residents protested in late February against the government's acquisition of land that locals say is part of a temple compound.⁵⁵ Local administrators, who have disputed the claim that the disputed land is part of a temple compound, say they plan to build a fire station on the seized land this summer, regardless of the protests.⁵⁶ Despite promises by locals to continue to protest the land acquisition if officials do not negotiate with protesters, local officials have stated that they "have no plan to negotiate with [the protesters]."⁵⁷

Nine farmers from Dawei township lost their lawsuit against the state-owned Mining Enterprise 2 and Thailand's Myanmar Pongpipat Company. The lawsuit was originally filed in 2012 by locals who blamed years of flooding, crop damage and property losses on the soil the companies were dumping into Myaung Pyo Creek.⁵⁸ In particular, Dawei villagers alleged that their properties were being damaged by rising levels of wastewater ever since the Myanmar Pongpipat Company took over the Heinda mine.⁵⁹ They said the company had filled the Myaung Pyo Creek with waste and sediment from the mine, causing more flooding that was damaging their homes, farms and water supplies. The farmers had sought 300 million kyat (approximately \$227,000) in damages in their suit.⁶⁰

The Myanmar Pongpipat Company signed a production-sharing deal with Mining Enterprise 2 in 1999 to extract tin and tungsten from a 2,000-acre area, and reportedly holds rights to 65% of produced minerals, which are exported to Thailand and Singapore for processing. Mining Enterprise 2 holds the remaining rights to the mine.⁶¹

After the district court ruled in favor of the companies, the appeals court overturned the district court's decision, prompting the companies to appeal to the Myanmar Supreme Court. The Supreme Court then overturned the decisions of the division court in June 2016, acquitting the defendants and requiring them only to pay all legal expenses.⁶² The plaintiff farmers took

their case to a special two-member appeals board at the Supreme Court, which sent it to a nine-member board for a final decision.⁶³

This nine-member appeals board rejected the suit in a final ruling on February 7, on the grounds that the farmers' suit had not complied with the statute of limitations.⁶⁴

III. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Local banks are finding it difficult to meet a set of new regulations set by the Central Bank of Myanmar (“CBM”) meant to modernize the domestic financial sector to better attract foreign direct investment.⁶⁵ Under these new regulations, which were drafted with assistance from the International Monetary Fund, the CBM has ordered banks to maintain higher capital adequacy ratios, limit lending to single borrowers, reclassify loans and advances and recover overdraft loans. While the new regulations were meant to align Myanmar with the standards of the international banking sector, banks in Myanmar are struggling because the CBM has given them too little time to implement the regulations and because many borrowers are still unable to repay their loans due to the current slowing economy in the country.⁶⁶

While the CBM has relaxed compliance deadlines in connection with certain parts of its new regulations, deadlines to comply with its other regulations are quickly approaching. For example, by March 31 a bank must submit a list of borrowers to which it has large exposure, together with a plan to bring down exposure to a more acceptable limit.⁶⁷

Meanwhile, Soe Thein, vice chair of the CBM, has attempted to assure businesses that the CBM is aware of the struggles many of them face in obtaining access to loans and working capital.⁶⁸ “We are actively working on many ideas to help boost the economy. We are thinking of growth, employment and the circulation of money in the economy,” said Soe Thein in February. One of these ideas includes a proposal to revamp the existing bank lending structure. Currently, the maximum bank lending rate is set at 13%, with only land or real property able to be accepted as collateral for loans. The CBM is considering a new structure under which a greater variety of collateral would be accepted by banks, with different tiers of maximum interest rates able to be charged based on the type of collateral.⁶⁹ For example, loans collateralized by assets such as real property, gold, jewelry or bonds would be subject to the current maximum interest rate of 13%. Loans collateralized by assets other than those in the first category could impose higher interest rates.⁷⁰

The CBM is also looking at ways to reduce interest rates in the future. “If the economy continues to slow, and if inflation and the exchange rate stay stable over the next 6 to 8 months, we will consider reducing interest rates by 0.5% each time,” said Soe Thein. The CBM’s intention is to ultimately liberalize the financial sector, with a goal of allowing banks to set their own interest rates in the “next 5 to 10 years,” according to Soe Thein. He indicated, however, the CMB will continue to impose maximum interest rates until the sector matures.

B. Economic Development—Infrastructure, Major Projects

Myanmar has taken its first major step towards developing a sustainable aquaculture industry. It is the hope that the aquaculture industry will help meet domestic dietary needs and support the country’s fishery exports business.⁷¹ While Myanmar now exports fishery products

to 40 foreign markets, the country's present production capacity is insufficient for it to continue exporting fish at these levels. Consequently, developing a local aquaculture industry with assistance from international organizations is essential. On February 1, the Department of Fisheries launched the Myanmar Sustainable Aquaculture Program, which kicked off with funding from the European Union and the German government. The Program will focus on helping develop aquaculture businesses in some of the inland fish-deficient regions, as well as coastal states.⁷² Officials estimate the program will directly benefit 250,000 fish farmers and also give some 25,000 rice farmers the option to diversify into aquaculture.⁷³

Samsung Electronics has reportedly decided not to build a manufacturing plant in Myanmar due to lack of infrastructure, the government's inaction on economic reforms and political uncertainties.⁷⁴ When Samsung officials went to meet with the government of Myanmar to discuss beginning work on the plant, the government allegedly demanded that Samsung construct power plants and roads that were essential to operate the factory at Samsung's own expense. Despite Myanmar's desire to increase foreign investment, and despite the attractiveness of Myanmar for foreign companies, due in part to its relatively cheap labor, investors like Samsung have shied away due to poor infrastructure.⁷⁵ This highlights the need for Myanmar to focus on infrastructural developments going forward.

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

Two people were killed and 22 wounded when a bomb exploded on February 21 at a bank in Shan State, destroying some nearby buildings and cars.⁷⁶ A few days later, a senior police officer at the Shan state regional government said three bombs exploded in Muse, a major trade town along the Myanmar-China border; however, the officer stated that no one was injured by the Muse bombings.⁷⁷ Local officials have blamed the bombings on local armed rebel groups, but no group claimed responsibility for the series of attacks.⁷⁸

Myanmar's military has asked the Kachin Independence Army ("KIA") to remove outposts, including a battalion headquarters, from the Tanaing township of Kachin state in the run-up to national peace talks.⁷⁹ Kachin State, Myanmar's northernmost state bordered by China and India, has been rocked by a resurgence of conflict since 2011 when a 17-year bilateral cease-fire agreement between the two sides broke down. The clashes have left hundreds dead and more than 100,000 displaced.

The latest round of fighting began early this year when government soldiers launched air strikes in Tanaing, an area controlled by the KIA, which relies on its natural resources as a source of income by levying a tax on mine operators.⁸⁰ State media has reported that the KIA, which controls large swathes of territory in the state, including its lucrative mining areas, has conducted assaults on the regional military headquarters in Kachin since late January. The Myanmar army has accused the Kachin rebel group of illegally using the area's natural resources and taking money from mining businesses that should otherwise go to the state. The KIA, however, has asserted that Myanmar forces have recently stepped up their attacks on rebel-held territory in hopes of gaining control before a third round of negotiations during a national peace conference later this month.⁸¹ On February 3, about 50 KIA soldiers used small arms and heavy

guns to attack Myanmar army camps in Lwele village in Myitkyina district's Moe Kaung township, with some injuries reported

Human Rights Watch called on the Myanmar military to ensure unfettered humanitarian access to civilians in need in Kachin state, after 5,000 ethnic Kachins, members of religious organizations, and civil society activists marched in the state capital Myitkyina, demanding an end to the army's offensives and the rescue of people trapped in war zones.⁸² A few thousand miners and their families face food and water shortages because they have been stuck in the Tanaing region and in Sumprabung township during the current round of fighting.⁸³

Fortify Rights, a Southeast Asia-focused human rights group, urged Myanmar officials on February 20 to account for two Kachin civilians who were reportedly taken almost three weeks ago from a camp for internally displaced persons in Kachin State.⁸⁴ According to witnesses interviewed by Fortify Rights and local civil society groups, Hpaugan Yaw and Nhkum Naw San were taken into custody by soldiers on January 31 while they were doing farm work.⁸⁵ Kachin State police officer Min Zaw said the villagers were detained by troops for crossing a restricted area but were later released.⁸⁶ Rights groups said that the seizure of civilians in ethnic minority regions by Myanmar's army is not rare, and they are sometimes used as porters or human shields in the fighting.⁸⁷

Also in early February, government forces reportedly used helicopters to attack militia in the Kutkai region of Shan State. Fighting between the Myanmar Army and Ta'ang National Liberation Army ("TNLA") occurred in Kyaukme, Namhsan, Namtu, and Kutkai townships, according to a TNLA colonel.⁸⁸

Government authorities are reportedly restricting ethnic Wa people who live in northern Shan State from traveling to Kyaingtong and other major towns in eastern parts of the state.⁸⁹ Since early February, authorities have been checking the ID cards of travelers and blocking further travel along routes near the Thai-Myanmar border if the holder is ethnic Wa, according to complaints lodged with the United Wa State Army ("UWSA"). There are about 900,000 ethnic Wa living in Special Region 2 in northern Shan State. In the past, they have freely traveled to Kyaingtong and Tachhilek for medical treatment or to trade goods, using ID cards issued by Myanmar immigration. The authorities, including the police, army, and immigration, have not offered any detailed explanation as to why they have restricted Wa people from traveling, including those in need of urgent medical treatment.⁹⁰

The UWSA is the largest ethnic armed force in Myanmar with over 40,000 men under arms in the Wa region, although it currently has a ceasefire agreement with the Myanmar Army, or Tatmadaw. The government and military have urged the UWSA to sign the Nationwide Ceasefire Agreement ("NCA"), but the group has asked for the NCA to be amended to bring it in line with an agreement it signed with members of the Northern Alliance. The UWSA also wants to bring all Northern Alliance members into the peace process.⁹¹

B. Peace Talks

The 21st Century Panglong Union Peace Conference, previously scheduled to be held in late February, has been pushed to early May due to a delay in convening national level

dialogues.⁹² Ethnic-based national level dialogues have yet to be held in Rakhine and Shan states. The Peace Conference was initially planned to be held in December 2017, but has been postponed twice due to disagreements between ethnic groups and the government over the public consultation talks in advance of a national level dialogue.⁹³

On February 13, the New Mon State Party (“NMSP”) and the Lahu Democratic Union (“LDU”) agreed to sign the NCA and were subsequently removed from the government’s blacklist of unlawful associations.⁹⁴ The number of groups that have signed the NCA now stands at ten.⁹⁵ Because of its decision to sign the NCA, the NMSP has been criticized by other armed ethnic groups in the United Nationalities Federal Council (“UNFC”) of which it is a member. Other UNFC members said the NMSP should have waited to reach agreement with the four other members of the alliance.

In a speech at the signing of the NCA by the NMSP and LDU, Aung San Suu Kyi said that the government “will continue to work with organizations that have already signed the NCA to consolidate the ceasefire processes.”⁹⁶ The Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing urged other ethnic armed groups “not to have such skepticism, distrust and anxiety about the NCA.”

India welcomed the two new signatories to the NCA, saying that the “comprehensive peace and national reconciliation process” will be conducive for peace and prosperity in India’s northeast.⁹⁷ The presence of India’s representative at the signing ceremony “demonstrates India’s continued support to the peace process in Myanmar,” the Indian foreign ministry said in a statement.

The Deputy Leader of the Delegation for Political Negotiations of the UNFC said that the future stance of the UNFC on the NCA and the peace process would be decided at a meeting that was scheduled to be held in February, but which was subsequently postponed.⁹⁸ The meeting would also determine its position regarding the NMSP and LDU, which broke away from the UNFC by signing the NCA. Among other non-signatory groups, the Karenni National Progressive Party said that its decision whether or not to sign the NCA would hinge on the outcome of the probe into the killings of its members on December 19, 2017 at a checkpoint along a highway in Kayah State, allegedly by government troops.⁹⁹

On February 25, the UNFC re-accepted in principle the Chin National Front (“CNF”) and Kachin National Organization (“KNO”) as members.¹⁰⁰ The acceptance requires final approval from a UNFC emergency conference scheduled for July 2018. The CNF is one of the current signatories of the NCA.

On February 18 and 19, the NMSP and LDU met with the eight other NCA signatories to discuss the implementation of the peace process.¹⁰¹ The discussion included the Joint Implementation Committee Meeting and the inclusion of new members in the Union Peace Dialogue Joint Committee.

In a message read on the 71st anniversary of Union Day, President Htin Kyaw said that Myanmar is now on its way to achieving internal peace and transforming into a democratic federal republic.¹⁰² “I believe that by negotiating and seeking solutions based on the Union spirit,

we would be able to achieve not only a more durable internal unity but also establish the Democratic Federal Republic successfully from the platform of the 21st Century Panglong Conference,” he said.

Also on the 71st Union Day, the National League for Democracy (“NLD”) called for ethnic groups and democracy advocates to unite and work together for peace.¹⁰³ “The very first requirement for our democracy and development is peace,” said Nyan Win, a member of the NLD Secretariat. “For that peace, we need to discuss what matters between the NLD and ethnic groups for principles. We will all go forward together in unity.” He continued on to urge for support and the success of the 21st Century Panglong Conference.

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