

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## MAY AND JUNE 2018 REPORT

**Summary.** This report reviews the May and June 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. Rohingya Refugee Crisis**

Beginning in August of 2017, approximately 700,000 Rohingya fled from Rakhine State in western Myanmar across the border to Bangladesh, making the ongoing Rohingya refugee crisis the fastest-growing refugee crisis in the world.<sup>1</sup> The Rohingya, a Muslim ethnic minority in Buddhist-majority Myanmar, were escaping a military campaign of slaughter, rape, and the burning of their villages that some United Nations officials have said may amount to

genocide.<sup>2</sup> Recently, the Myanmar government has coordinated with the United Nations on repatriation efforts, even though conditions are not yet conducive to voluntary return.

### *Repatriation Efforts*

On June 6, 2018, the United Nations High Commissioner for Refugees (“UNHCR”), the United Nations Development Programme (“UNDP”) and the Government of the Republic of the Union of Myanmar signed a tripartite Memorandum of Understanding (“MoU” or the “Memorandum”).<sup>3</sup> This agreement aims to eventually allow hundreds of thousands of Rohingya sheltering in Bangladesh to return safely and by choice; however, the details of the agreement have not been made public.<sup>4</sup> This tripartite MoU is a subsequent agreement to the Memorandum of Understanding signed by the Government of Bangladesh and UNHCR on April 13, 2018, relating to the voluntary returns of Rohingya refugee once conditions in Myanmar are deemed conducive.

The goal of the MoU is to establish a framework for cooperation to allow the voluntary, safe, dignified and sustainable repatriation of Rohingya refugees to their places of origin or of their choosing.<sup>5</sup> Given that the conditions in Myanmar are not yet conducive for voluntary return, the signing of the MoU is the first and necessary step to support government-backed change. In addition, the MoU is intended to support recovery and resilience-based development for the benefit of all communities living in Rakhine State.<sup>6</sup> The UN Secretary-General encouraged Myanmar to take “decisive steps to implement the agreement” and reiterated his desire for an end to violence, accountability for perpetrators, redress for victims, humanitarian access to the entirety of Rakhine state and the implementation of the recommendations of the Rakhine Advisory Commission.<sup>7</sup> The Rakhine Advisory Commission, in its report to national authorities on August 23, 2017, recommended urgent and sustained action on a number of fronts to prevent violence, maintain peace and foster reconciliation.<sup>8</sup>

The Memorandum includes a framework that provides access to Rakhine State for the UNHCR and UNDP, including to refugees’ places of origin and areas of potential return; places to which international organizations have not been permitted access since violence broke out in August 2017.<sup>9</sup> Once this access is granted, the UNHCR will be able to assess the conditions on the ground and carry out protection activities. Access will also enable the UNHCR to eventually provide independent information to refugees about the conditions in their places of origin. This information will be crucial in helping refugees make informed decisions as to whether conditions are right for them to return in safety and dignity.<sup>10</sup>

By signing the MoU, the Myanmar government affirms its commitment to working with the UNHCR and the UNDP to find a solution for the Rohingya population. Mohammad Abul Kalam, Bangladesh’s Commissioner for Refugee Relief and Repatriation, believes that the MoU is a positive development and that the MoU will smooth the repatriation process and facilitate coordination.<sup>11</sup> However, the MoU has garnered mixed reactions from political observers inside the country.<sup>12</sup> Aye Lwin, a Muslim leader in Myanmar and a member of the government’s Advisory Commission on Rakhine State led by former United Nations Chief Kofi Annan, thinks that the involvement of the United Nations agencies is a good sign, as it would be

difficult to work on a repatriation process for hundreds of thousands of refugees without the agencies.<sup>13</sup> On the other hand, former Information Minister Ye Htut fears that the involvement of United Nations agencies in the repatriation process might have a negative impact on the region due to the perceived lack of impartiality of their involvement, potentially exacerbating the poor relationship between Rakhine's Muslim and Buddhist communities.<sup>14</sup>

### ***Independent Commission***

On May 31, 2018, the Myanmar Office of the President stated that it would establish an independent commission of inquiry into human rights violations that occurred in the wake of attacks by the Arakan Rohingya Salvation Army ("ARSA"), Rohingya militants, last August.<sup>15</sup> These raids by Rohingya insurgents on police and army posts catalyzed the military's brutal attacks on Rohingya civilians.

President Win Myint's office issued a statement saying, "The independent commission will investigate the violation of human rights and related issues following the terrorist attacks by ARSA."<sup>16</sup> The statement went on to say that the commission is part of a "national initiative to address reconciliation, peace, stability and development" in ethnically and religiously divided Rakhine State.<sup>17</sup> The commission will be composed of three members, including an international representative, and will be assisted by domestic and international legal and technical experts. The statement provided no further details.<sup>18</sup> It remains to be seen what role this independent commission will take.

### ***Refugee Repatriation Survey and Current Refugee Camp Conditions***

The Xchange Foundation, which investigates and documents human migration, released a survey on May 23, 2018. The survey found that among the more than 1,700 Rohingya interviewed in camps in Bangladesh, 97.5% wished to eventually go home to Myanmar.<sup>19</sup> However, nearly all of those surveyed said that they would return *only* if certain conditions were met, with the majority mentioning citizenship of Myanmar, with acknowledgment that they are Rohingya, freedom of movement and religion, and their rights and dignity restored.<sup>20</sup> Myanmar's government has given little indication that it would be willing to accede to these demands. Recently, Rohingya in Myanmar have been increasingly persecuted, unable to travel freely, attend college or practice Islam as they wish.<sup>21</sup> Since 2012, approximately 120,000 Rohingya have been interned in camps in central Rakhine.

Conditions in Bangladeshi Rohingya camps, which include the world's largest single refugee camp, are dire. Monsoon rains are further worsening living conditions. According to the United Nations, about 200,000 Rohingya live in flimsy shelters that are vulnerable to landslides and flooding.<sup>22</sup>

## **B. Corruption**

Two officials were jailed in the Pyin Oo Lwin Township for 10 years on corruption charges.<sup>23</sup> Pyin Oo Lwin Township general administration officer, Tin Naing Soe, and deputy

administration officer, Kyaw Naing, were charged in October 2016 with two corruption counts, each under the Anti-Corruption Law, for taking bribes from residents of Mageeinn village in exchange for registering their land.<sup>24</sup> They were found guilty of taking a total of more than 39 million kyats (approximately \$29,000) in two separate cases and were sentenced to five years' imprisonment each.<sup>25</sup> These sentences were the harshest ever in a corruption case and come after President Win Myint promised to take strong action against corrupt officials.<sup>26</sup>

The rector of Magwe University of Medicine, Dr. Khin Zaw, was chosen to be the new director-general of Myanmar's Food and Drug Administration ("FDA") after the former director-general of the FDA was charged with corruption. It is not yet known when the appointment will be made official.<sup>27</sup> The first court hearing against former director-general, Dr. Than Htut, was held in Mandalay Region High Court on May 4.<sup>28</sup> The President's Office also announced the resignation of Minister for Finance and Planning, Kyaw Win, who was the focus of a corruption investigation for several weeks stemming from a complaint filed on May 3.<sup>29</sup> In June, the Anti-Corruption Commission ("Commission") announced that it found no evidence that Kyaw Win was involved in bribery.<sup>30</sup> The head of the Commission, however, made clear that they were "not saying that he is innocent," but rather that "the stated reports are not strong enough to draw a conclusion to charge him under the law."<sup>31</sup> The Commission does not plan to take any action against Kyaw Win as a result. Myanmar's Parliament unanimously approved Soe Win as the new Planning and Finance Minister on May 31, 2018.<sup>32</sup> Soe Win is currently the country managing director of Deloitte Touche Myanmar Vigour Advisory Ltd. Additionally, two high-ranking military officers were transferred to the military's auxiliary force for accepting bribes from jade mines operating without a license in Kachin State's Hpakant Township.<sup>33</sup> Caterpillar, Volvo and Komatsu have also been accused of contributing to abuses in Myanmar since all three have sold machinery which was then used by domestic mining companies implicated in land expropriation, environmental destruction and armed conflict.<sup>34</sup>

The Myanmar Parliament passed the fourth amendment to the Anti-Corruption Law, giving more power to the Commission.<sup>35</sup> The amended law allows the Commission to launch investigations if it suspects corruption among officials without needing to wait for a presidential order before proceeding.<sup>36</sup> The amendment also allows the Commission to investigate on its own initiative any civil servants who appear to be unusually wealthy, rather than only being able to investigate after formal complaints are filed with strong supporting evidence, as was the case before the amendments.<sup>37</sup> The maximum sentence was also reduced to three years for those who are found to have made a false complaint in order to give an incentive to the public to collaborate in the fight against corruption.<sup>38</sup> Additionally, the amendment expands the Commission's offices to more states and divisions.<sup>39</sup> The amended bill will be sent to the Lower House for approval and, barring any objections, it will be sent to President Win Myint to be signed into law.<sup>40</sup>

In April, President Win Myint held two separate meetings with the Commission and with the Chief Justice and judges of the Supreme Court and told Commission members to be vigilant in fighting corruption.<sup>41</sup> He also unveiled an 11-point reform agenda that includes judicial reform and plans for tackling corruption.<sup>42</sup>

The Union Supreme Court and the chief justices of regional and state courts announced that the Union-level judges will supervise cases in regional and state high courts to strengthen the dispensation of justice and examine why certain criminal cases are being delayed, ensuring that corruption is not at the root of such delays.<sup>43</sup> Management teams have been organized for regional and state high courts as well.

Myanmar signed an anti-corruption agreement with South Korea to enhance cooperation between the two nations so that knowledge and expertise may be shared to prevent, and hopefully eliminate, corruption.<sup>44</sup>

### **C. International Community / Sanctions**

On May 21, 2018, the International Development Select Committee, made up of British Members of Parliament (“MPs”), called for the British government to support efforts to refer Myanmar’s regime to the International Criminal Court (“ICC”) over evidence of state-sanctioned ethnic cleansing of Rohingya people and human rights abuses. The idea of collective action against the Myanmar regime has been stalled at the UN due to opposition from China, which wields a veto in the Security Council. But the committee says the UK and allies should still seek to gather “support for the UN Security Council to refer Myanmar to the ICC and to apply targeted financial sanctions at all identifiable key figures.” Myanmar is not a signatory to the ICC.<sup>45</sup>

The MPs also called for a review of UK aid to Myanmar, which was worth £100 million in 2018, saying that such aid was agreed during the period that the country seemed on a transition to democracy. The MPs pointed out that, since the last British aid program was prepared, “there has been ethnic cleansing, the breaking of ceasefires, a closing of civil society space, including restrictions on media freedoms and the persecution of journalists, and a reduction in religious freedom.” So far, the only substantive change to the UK aid policy has been a suspension of funding to the Myanmar armed forces. The committee said the British government’s language and actions towards Myanmar need to change dramatically, including by imposing targeted sanctions. The committee says, “[Myanmar] must realize that there is a bill to pay for the actions of its army and the inaction its government and society. The dramatic changes to the situation in Burma must drive dramatic change in UK policy.”<sup>46</sup>

Meanwhile, on May 23, 2018, the U.S. House of Representatives approved measures that call for targeted sanctions against more of the Tatmadaw leaders over human rights abuses in Rakhine State and encourage further reform of Myanmar’s gemstone industry. The measures were added as amendments to the National Defense Authorization Act and received strong bipartisan support. The measures do not name specific individuals but they call on the U.S. president to impose asset freezes and travel restrictions on other senior officials of the Tatmadaw or security forces who ordered or carried out any serious human rights abuses or impeded the investigation of allegations of serious abuse by subordinates. “Let me say that since August of 2017, the Myanmar military has inflicted horrific violence against the Rohingya in Burma’s Rakhine State, and is today using the same tactics against the Kachin,” U.S. Representative Eliot Engel, who sponsored the measures, said on the floor of the House. He called the crisis “perhaps

genocide” and said that these measures would lead to accountability. The amendments also limit U.S. military cooperation with Myanmar and call on the U.S. State Department to report back to Congress on the rights abuses in Rakhine State last year and determine whether they amount to not only ethnic cleansing but also crimes against humanity or genocide. Further, the amendments encourage reform of Myanmar’s gemstone sector by obliging the State Department to draw up a list of producers who meet strict transparency standards on ownership, licensing and revenue. It would exclude any producers connected to the military or security forces and allow the list to be rescinded if Myanmar carries out certain sector-wide reforms. The House’s action was criticized by Myanmar’s main opposition, the military-backed Union Solidarity and Development Party, which accused the U.S. of seeking to “influence” and “interfere” in the country’s internal affairs.<sup>47</sup>

As a further signal of strengthening U.S. concern, on May 29, 2018, the Trump administration released a report stating that ethnic cleansing targeting Rohingya Muslims in Myanmar has not stopped despite growing condemnation from the international community. Ambassador Sam Brownback, the U.S. envoy for global religious freedom, said the violence is continuing: “I don’t think we’ve seen progress there in that country.” The U.S. envoy stated that Myanmar authorities were “doubling down” by opening a new front in Kachin state, raising fears of a humanitarian crisis in Kachin mirroring the one in Rakhine state. The Kachin rebels are a largely Christian minority group, who have fought for decades for greater autonomy.<sup>48</sup>

On May 31, 2018, The Irrawaddy reported that Myanmar is considering signing a memorandum with UN agencies that would set terms for the repatriation of Rohingya refugees from Bangladesh, in order to prevent the imposition of further Western sanctions. Myanmar is believed to be close to signing a memorandum with the UN Development Programme (“UNDP”) and the Office of the United Nations High Commissioner for Refugees (“UNHCR”). However, China, which has economic interests in Rakhine, notably a gas pipeline project in Kyauk Phyu, wants to build influence in Myanmar in place of Western countries, and therefore does not want Myanmar to sign the memorandum. Chinese officials held two days of closed-door meetings with their Myanmar counterparts in Yangon on May 29 and 30, where the two sides shared views on how to establish peace in Kachin and northern Shan States and how to solve the Rohingya refugee crisis in Rakhine State. As the international community prepares to take action against Myanmar officials accused of abuse of the Rohingya, China may offer some diplomatic protection to Tatmadaw generals if they are referred to the International Criminal Court. According to The Irrawaddy, “the Myanmar government is wondering whether to listen to China or the West.”<sup>49</sup>

On June 25, the Canadian government announced that they are levying economic sanctions on seven senior Tatmadaw officials over their involvement in the violence and persecution of the Rohingya population. The sanctions impose asset freezes on and prohibit Canadians from doing business with the seven senior Tatmadaw officials, including officials with links to the army’s Western Command in Rakhine state. Among those targeted is Lieutenant-General Aung Kyaw Zaw who, as commander of the Bureau of Special Operations No. 3 until the end of 2017, oversaw the Western Command. The Lieutenant-General is responsible for serious human-rights violations against the Rohingya. The officials are listed



under Canada's Special Economic Measures Act, which allows the government to impose sanctions on individuals or entities that pose a threat to international peace and security.<sup>50</sup> The EU has added the same seven members of the Tatmadaw to its Myanmar/Burma sanctions list, freezing their assets and imposing a travel ban. Each has been listed for their "involvement in or association with atrocities and serious human rights violations committed against the Rohingya population in Rakhine State in the second half of 2017." These measures are the first to be imposed by the EU since it adopted a legal framework in April 2018 to impose targeted sanctions against individuals of the Tatmadaw and the Border Guard Police who are deemed responsible for serious human rights violations.<sup>51</sup> The Tatmadaw announced that one of the sanctioned generals had been fired on Monday and another had left the army last month after being removed from his post.<sup>52</sup>

Meanwhile, Australia has dismissed calls to cut ties with the Tatmadaw despite a push by Amnesty International for its top security chiefs to face trial in the International Criminal Court. Foreign Minister Julie Bishop says that, though the country already has some sanctions and an arms embargo in place in relation to Myanmar, there are no plans to change Australia's relationship with the Tatmadaw, which sees the government sending \$400,000 in funding for training in humanitarian assistance, disaster relief, peacekeeping and English classes.<sup>53</sup>

A Myanmar judge will decide next week whether two Reuters journalists will be charged with violating Myanmar's Official Secrets Act over their coverage of the Rohingya crisis after hearing arguments in court on July 2. The journalists were arrested in December and have been held in jail since, prompting outrage from rights groups and foreign governments. If pronounced guilty, they could face up to 14 years in jail.<sup>54</sup>

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

### **A. Freedom of Speech, Assembly and Association**

On May, 17, organizers of an anti-war protest in Yangon were charged with "disturbing the peace" and "holding a protest without permission."<sup>55</sup> The protest was organized as a show of support by about 300 people for victims of fighting between government forces and ethnic minority guerrillas in northern Myanmar. After the protest degenerated into fistfights, the 17 organizers were detained over the weekend and faced a month in prison as well as fines.<sup>56</sup> The Assistance Association for Political Prisoners called on the government to drop the charges and said, "This is a clear and calculated attack on freedom of expression and right to assembly." According to Athan, a free speech monitoring group, during the first half of May over 42 activists across Myanmar were charged for participating in rallies protesting the war in Kachin.

Civil rights groups and digital rights activists are demanding that Facebook beef up its moderation of Myanmar-language content to curb hate speech.<sup>57</sup> Six Myanmar organizations wrote an open letter to Facebook CEO Mark Zuckerberg in April, stating that "the risk of Facebook content sparking open violence is arguably nowhere higher right now than in Myanmar." Zuckerberg responded, saying that Facebook was trying to do more to address these issues in Myanmar, such as blacklisting a group of Buddhist hardliners, but activists have said

that Facebook has not done enough. A group of Myanmar hardline monks have pledged to stay on Facebook despite being banned for posting hate messages aimed at Rohingya Muslims.<sup>58</sup> These monks have been using Facebook to share angry and violent propaganda that they consider “the truth.” The monks have claimed that it is a violation of freedom of expression to remove their content. The Myanmar government has denied claims that it has helped Facebook locate and deactivate accounts. Facebook is considered to be the most effective and far-reaching form of social media in Myanmar.

## **B. Freedom of the Press and Censorship**

In July, a court is set to decide whether the two Reuters journalists who have been detained in Yangon since December should be charged under the colonial-era Official Secrets Act.<sup>59</sup>

## **III. Economic Development**

### **A. Economic Development—Legal Framework, Foreign Investment**

Japanese investment in Myanmar has reached an all-time high of about \$1.48 billion, making Japan the fourth largest foreign investor in the fiscal year 2017. The sharp increase in investment from Japan is largely attributable to a \$333 million real estate project in Yangon and a \$400 public-private partnership project led by a major general contractor in Japan.<sup>60</sup> Despite a tough investment climate due to the current administration’s policy implementation and the Rohingya refugee crisis, Japanese investment is becoming stable in Myanmar, as the country works to implement deregulatory measures and eliminate procedural hurdles to foreign investment.<sup>61</sup>

The managing partner of Deloitte & Touche in Myanmar was confirmed as Myanmar’s Finance Minister after the previous minister resigned.<sup>62</sup> Analysts have said that the appointment will likely reassure potential investors worried about the slow pace of financial reform.<sup>63</sup> The confirmation is also expected to result in an increased focus on the economy, which has been experiencing slowed growth since the current president of Myanmar came into office in 2016.

The Myanmar Parliament is expected to review four bills meant to modernize intellectual property rights protections within the country.<sup>64</sup> The bills include a copyright bill, an industrial design bill, a patent bill and a trademark bill.<sup>65</sup> The Ministry of Education in Myanmar and the French government have organized a seminar for members of Parliament to educate them on geographical indications and trademarks, both of which are anticipated to be used increasingly and legitimized with institutional frameworks if the bills are passed.<sup>66</sup> Geographic indications are collective intellectual property rights that afford legal protections to farmers or craftsmen in certain geographical regions against misappropriation. Geographic indications will also protect consumers against misleading commercial information or products of poor quality by signaling to them that products come from a specific geographic origin with distinct qualities or reputations. The passage of the bills may also encourage foreign investment by ensuring that foreign companies’ intellectual property rights will be protected if they invest in Myanmar.



Myanmar received \$50.5 million in grant aid from Japan to assist in developing Myanmar's financial markets and infrastructure.<sup>67</sup> Specifically, the project will enhance the functions of the Central Bank of Myanmar by facilitating adaptation to the changing standards of financial institutions. The grant is anticipated to strengthen Myanmar's economy.<sup>68</sup>

## **B. Economic Development—Infrastructure, Major Projects**

The Ministry of Electricity and Energy is reviewing the fiscal terms of its production sharing contracts before an offshore oil and gas bidding round later this year. The review was spurred by warnings from the private sector that the current terms of production sharing contracts are deterring investment, particularly with respect to riskier or more marginal projects.<sup>69</sup> The government is seeking to review the terms of the contracts and adjust them to make them more attractive to potential bidders.<sup>70</sup> Currently, the proportion of revenues from oil and gas projects that goes to the government can be as high as 94%.<sup>71</sup> This high state take is one of several factors, in addition to low oil prices and a lack of infrastructure, which has prompted many energy companies to scale back their business activities in Myanmar. While the government only plans to apply the new terms to future production sharing contracts, the government has said it is open to negotiation for existing contracts as well.<sup>72</sup>

Plans are underway to build a suspension bridge over the Yangon River connecting the five eastern townships in Yangon with the five western townships by passing through the Thilawa Special Economic Zone.<sup>73</sup> The bridge will allow residents to more easily commute to and from major areas in the city. It is also hoped that the project will encourage further development and jobs. Currently, commuters and transportation companies only have the option to use roads to access the townships on either side of the Yangon River, and this has resulted in traffic congestion and an inefficient flow of goods and people.<sup>74</sup>

China has proposed a list of infrastructure projects to be implemented along the China-Myanmar economic corridor.<sup>75</sup> The list of projects includes construction of a bridge, as well as a highway and railroad connecting Myanmar and China. The Chinese government also proposed approving Chinshwehaw, a Myanmar town on the border of Myanmar and China, as an international border gate and has discussed construction of a special economic zone in the town in order to boost trade between the two countries.<sup>76</sup> The infrastructure projects are part of a broader set of initiatives between China and Myanmar to promote trade and foster economic relationships between the two countries.

## **C. Land Seizures**

Thirty-three farmers living next to the Thilawa Special Economic Zone were found guilty of criminal trespass. Despite a fine that has been described as a "token punishment,"<sup>77</sup> the ruling has also been characterized as "a blow to land rights."<sup>78</sup> The farmers claim that the government failed to follow the correct process when the government tried to acquire the farmers' land in 1996.<sup>79</sup> Additionally, the farmers claim that the government attempted to intimidate them into

accepting insufficient compensation for the land by threatening that they would be evicted and receive nothing if they did not accept the offered compensation.<sup>80</sup> The farmers did not believe these attempts to evict them from their land were valid, so they continued to farm the land and pay taxes.<sup>81</sup> In 2014, the farmers were charged with criminal trespass.<sup>82</sup> Experts have stated that the case should have been dismissed on technical grounds in 2015 given that a government officer wrote to the farmers at that point offering them additional compensation for their land, clearly indicating that the government believed the farmers owned the land.<sup>83</sup> In 2017, nine of the farmers received compensation for their land, but the case proceeded against the remaining thirty-three farmers.<sup>84</sup> It is unclear why only nine of the forty-two farmers impacted received compensation.<sup>85</sup> The farmers have sixty days to appeal the ruling.<sup>86</sup>

In Rakhine State, residents have objected to government acquisition of land for a special economic zone.<sup>87</sup> Approximately 4,000 acres of land has been earmarked for the special economic zone.<sup>88</sup> In addition to the amount of compensation, residents have expressed a number of concerns with the program, including that the new committee handling the land transition is reportedly less transparent than the previous committee and the Land Records Department has been using maps drawn during the British colonial era to settle land disputes.<sup>89</sup>

Squatters living on the banks of the Irrawaddy riverbank in western Mandalay have expressed concern over the long term stability of their housing.<sup>90</sup> The number of squatters living in the area has increased over time, evidence that “the regional government has struggled with the issue” and that “[t]he regional administration [has] no comprehensive plan to tackle this social issue affecting thousands of families.”<sup>91</sup> In 2016, 700 families were moved to newly built rental housing.<sup>92</sup> However, the families did not remain in the new rental housing and instead rented the apartments to third parties to make a profit and returned to squatting.<sup>93</sup> Others claimed that the housing was too expensive for them and that they could not afford to stay there.<sup>94</sup> Commentators have suggested that the shanty towns should not be systematically destroyed and that instead new, less expensive buildings should be constructed on unused acres of land on the outskirts of the city for the current squatters to move into.<sup>95</sup> Both the police and local committees have used various methods to force squatters to move, including fining them and destroying or removing their tents.<sup>96</sup> In addition to removing squatters who live in the region, these groups are also working to remove roadside squatter shops and estimate that they remove 5000 to 7000 of these shops per year.<sup>97</sup>

Meanwhile, more than 120 acres of previously confiscated farmland was return to its original 53 owners in Myittha, Mandalay Region.<sup>98</sup> This brings the total amount of farmland returned to farmers in the area to 2,156 acres.<sup>99</sup> Also in Mandalay, information on squatters was collected by the regional government, with an intent to “distinguish between original owners and squatters and to know the number of buildings and vacant spaces.”<sup>100</sup>

Data on unused plots of land in the Sagaing Industrial Zone is being collected for a report that will be submitted to the regional government.<sup>101</sup> Data collection started on May 15 and was scheduled to continue until the end of May.<sup>102</sup> Businesspeople in the area speculated that “surplus land may be seized back or ... businessmen may be asked to re-construct factories and workshops to create more jobs for local residents.”<sup>103</sup>

Farmers in Yangon may be granted up to 50 acres of vacant, virgin alluvial land as a result of the loss of their villages due to coastal erosion in 2016-2017.<sup>104</sup> A government team is working to measure the acreage of the new alluvial land.<sup>105</sup> More generally, environmental advocates have encouraged the government to put in place a “land bank,” which would be used to relocate individuals and families displaced by climate change.<sup>106</sup> The key issue impacting landowners is loss of land due to rising tides or erosion.<sup>107</sup> The proposed land bank “would act as a central repository for state land that has been formally designated and held in trust exclusively for the use of climate-displaced people and communities needing planned relocation.”<sup>108</sup>

#### **IV. Peace Talks and Ethnic Violence**

##### **A. Ethnic Violence**

Myanmar military’s offensive against the armed forces of Kachin state in recent months has included helicopter gunships, jet fighters and heavy artillery.<sup>109</sup> Civilians have been caught in the crossfire, with thousands fleeing into the jungle, sometimes on the back of elephants, and smaller numbers escaping over the border to China.<sup>110</sup> A local resident, who helps run a camp in the Kachin for those displaced by the violence, said the 1,300 people who have arrived there since fighting broke out in late April are in poor health and suffering from diarrhea and that the military began conducting frequent airstrikes in his area in late April, causing villagers to abandon their farms and flee.<sup>111</sup> The fighting is part of the Myanmar military’s general offensive against key militias in the Northern Alliance, a coalition of ethnic militias in northern Myanmar, in an accelerated effort to pummel recalcitrant militias that refuse to sign on to a national ceasefire agreement.<sup>112</sup> Lt. Gen. Tazay Kyaw, Myanmar’s top military commander in the state, told media the fighting had been instigated by rebels and denied reports that government troops had directed fire at villages.<sup>113</sup> The International Committee of the Red Cross, which is providing food and supplies to civilians, estimates that 7,500 Kachin residents have been displaced since the beginning of April.<sup>114</sup>

A fight erupted on May 12 in Muse city in northern Shan State along the Myanmar-China border when about 90 fighters of the armed ethnic Ta’ang National Liberation Army (the “TNLA”) attacked Tatmadaw (the government military) outposts on the outskirts of the city triggering a gun battle.<sup>115</sup> Nineteen people – including 15 civilians, a police officer and three militia members – were killed and 27 injured in the clash.<sup>116</sup> The TNLA said in a statement the attacks were conducted in retaliation for the military’s offensive in Kachin and northern Shan states.<sup>117</sup> The group also said the Tatmadaw has been aggressive since the beginning of this year, and even pursued and attacked the TNLA in the jungle and attacked the TNLA’s ally KIA in the Kachin state.<sup>118</sup>

According to the UN, at least 7,400 people have been displaced in Kachin since early April, adding to the 100,000 already displaced.<sup>119</sup> About 2,000 of these civilians who were trying to flee the fighting were trapped in dense jungle, before they were reportedly relocated to other towns in the province.<sup>120</sup> There are also many more that remain trapped in areas of active fighting, with only extremely difficult escape routes through mountains and forests, and in need

of humanitarian support, said a UN official.<sup>121</sup> The UN urged all sides to work to resolve the situation through genuine, meaningful dialogue.<sup>122</sup>

There was an exchange of fire between Restoration Council of Shan State/ Shan State Army - south (“RCSS/SSA-S”) and military, both signatories of the Nationwide Ceasefire Agreement (“NCA”), and military troops in southern Shan State on May 22, according to Shan Herald News Agency.<sup>123</sup> The shootout took 20 minutes, during which RCSS/SSA-S seized possessions of military such as water bottles and weapons, but there were no casualties among locals.<sup>124</sup> Although RCSS has signed the NCA, clashes with military have frequently broken out.<sup>125</sup>

TNLA spokesperson Major Tar Aike Kyaw said a clash broke out on June 6, when troops from the Myanmar Army’s Infantry Division 77 launched an attack against a rebel base near Mann Aie village, Namtu Township, northern Shan State.<sup>126</sup> The fighting lasted over four hours and three Myanmar Army soldiers were killed.<sup>127</sup> On June 4, fighting also broke out in the same area between the Myanmar Army and TNLA.<sup>128</sup> Separately, the Kachin News Group reported that the Myanmar Army launched a surprise attack against a base belonging to KIA Brigade 10 on June 5, killing two KIA soldiers and wounding three others.<sup>129</sup>

Later in June, the TNLA announced that a barrage of heavy weapons fire had struck a village in Kutkai Township, northern Shan State, killing a child and injuring seven other people.<sup>130</sup> TNLA spokesperson said that Myanmar Army troops arrived at the entrance of the village and shot heavy weapons into the village about eight times.<sup>131</sup> The TNLA said the incident was not due to any fighting between the Myanmar Army and the TNLA.<sup>132</sup>

## **B. Peace Talks**

The Myanmar government and the ethnic armed groups that signed the NCA postponed the opening of the third session of the 21<sup>st</sup> Century Panglong Peace Conference.<sup>133</sup> This is the fourth time the conference has been postponed. Sources involved in the peace process cite the inability to hold a national-level political dialogue and recent escalation of fighting between the Tatmadaw and Karen National Union as factors in the postponement. The Peace Process Steering Team (“PPST”), made up of the ethnic armed groups that have signed the NCA, met in Chiang Mai, Thailand, on May 26-28 to discuss a new date for the third round of negotiations.<sup>134</sup> On May 30, the NCA-signatory groups and military government leaders met in Nay Pyi Taw to discuss the informal agreements reached earlier that week in Chiang Mai.<sup>135</sup> Some of the remaining issues include the phrase “not to secede from the Union,” which the Tatmadaw wants to include in the proposed peace agreement, the disbandment of armed fighters, disarmament and the integration of former armed fighters into Myanmar’s security forces. On June 25, the government set the date for the start of the Peace Conference on July 11.<sup>136</sup> The Conference is expected to run 4-5 days and will focus on minority rights and gender equality.<sup>137</sup>

According to a peace broker between the government and the Shan State Progressive Party/Shan State Army-North (“SSPP/SSA-N”), the SSPP/SSA-N is likely to sign the NCA.<sup>138</sup> The statement came following negotiations between the government and the SSPP/SSA-N on

May 1-2 in northern Shan State's Kehsi Township. The broker also said that the SSPP would consider joining the upcoming third session of the 21<sup>st</sup> Century Panglong Peace Conference if invited.

In an analysis of the peace process published at the end of May, community leaders affiliated with the Karen National Union ("KNU") assert that the civilian government has no power over the peace process and that all decisions affecting security in Myanmar depend entirely on the military.<sup>139</sup> The publication states that the military's control over the peace process has allowed it to block progress and restrict political space, maintaining its position of power.

The Karenni National Progressive Party ("KNPP") pledged to continue efforts to join the NCA as soon as possible during a two-day formal peace negotiation in Kayah State in early May.<sup>140</sup> KNPP is expected to sign the NCA during the upcoming 21<sup>st</sup> Century Panglong Peace Conference.

The main topic discussed in early May at the New Mon State Party national-level political dialogue in Ye township was self-determination.<sup>141</sup> However, the participants, including Mon political parties, civil society groups and over 500 special invitees, avoided discussion of the principle of "non-disintegration" from the union. The wording of the principle was disputed by the government and NCA signatories during the second round of the 21<sup>st</sup> Century Panglong Conference in 2017.

State Counselor Aung San Suu Kyi chaired peace talks in Mawlamyine, Mon State on June 14.<sup>142</sup> These talks are the seventh round of peace talks that she has chaired in the last 18 months. The topic of the panel discussion was "Women and Peace".<sup>143</sup>

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