

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

APRIL 2019 REPORT

Summary. This report reviews the April 2019 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

Increased Violence in Bangladesh Refugee Camps

On April 25, 2019, the International Crisis Group released a report citing fraught conditions in Rohingya refugee camps based on interviews conducted in Cox's Bazar in April 2019. A Rohingya refugee leader described the security situation in Cox's Bazar as "very serious," and stated that he was unable to sleep at night for fear of attack.¹ Several community groups have emerged in the Rohingya refugee camps, ranging from groups seeking justice for atrocities in Myanmar to groups simply trying to improve life in the refugee camps. However, a surge in violence has accompanied this increase in political activity and the building of civil society.² Several refugees described increasing fear in the camps and have reported armed men attacking shelters at night, kidnapping critics and warning women against breaking conservative Islamic norms.³ Various groups such as militants, religious conservatives, criminal gangs and non-violent political and civil society organizations are vying for power within the camps.⁴ One such group, the Arakan Rohingya Salvation Army ("ARSA"), which catalyzed the 2017 crisis with attacks on security posts in Myanmar, has shown that it is willing to make and carry out death threats in order to further its agenda.⁵ Nighttime security in Cox's Bazar lies mostly in the hands of untrained and unarmed night watchmen appointed by the refugees.⁶ Bangladeshi police patrol mostly outside of the camps at night, as their focus is on perimeter security and protection of local Bangladeshi communities.⁷

United Nations Reiterates Urgent Need for Sustained Support

Three top United Nations officials, United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock, Director General of the International Organization for Migration António Vitorino and United Nations High Commissioner for Refugees Filippo Grandi, jointly visited the refugee camps in Cox's Bazar and met with different refugee groups in April. The officials reiterated their commitment to continue working towards safe and sustainable solutions in Myanmar for Rohingya refugees and called upon the international community to continue supporting the critical needs of Rohingya refugees and their host communities in southeastern Bangladesh, which together number approximately 1.2 million people.⁸ In addition, the officials stressed the critical importance of supporting the Rohingya while they are in exile, particularly by expanding opportunities for education and skills training. Nearly half of the 540,000 refugee children under the age of 12 are currently not being educated, while the rest of the refugee children have access only to very limited schooling.⁹ Moreover, only a small percentage of teenage children in the refugee camps have access to any form of school or training.¹⁰ Grandi highlighted that the current crisis has now been ongoing for almost two years; thus, it is critical that refugees are given opportunities to learn, build skills and contribute to their communities while they wait to return to Myanmar.¹¹

Climate Considerations

The officials appealed to donors in light of the potential risks posed by the upcoming cyclone and monsoon season and also stressed the need for stronger infrastructure in the refugee

camps in preparation for monsoons.¹² Bangladesh's foreign minister, AK Abdul Momen, restated the Bangladesh government's plan to move approximately 100,000 refugees to the remote island of Bhasan Char.¹³ Momen noted that he believes that there may be excessive amounts of rain this year that may cause landslides, and that by relocating Rohingya refugees, monsoon-related casualties may be averted.¹⁴ However, some human rights groups have expressed concerns over the Bhasan Char plan, given that the island is remote and prone to devastation from cyclones.¹⁵

B. Corruption

In the lead-up and aftermath of the Yangon municipal elections held on March 31, some local residents expressed concern that campaign spending regulations were too lax and could lead to corruption.¹⁶ After the elections, residents also cited endemic corruption as a factor that discouraged them from voting.¹⁷

The Anti-Corruption Commission ("ACC") opened a case against Than Daing, managing director of No. 2 Mining Enterprise, Myanmar's public mining enterprise.¹⁸ A complaint filed against the managing director alleged that he requested a 3.3 million kyat payment from a company hired to level his land and asked for a 4.2 million kyat payment for his family's vacation fees.¹⁹

For the first time, the ACC filed a complaint accusing individuals for filing a false bribery complaint.²⁰ The ACC filed the complaint against a director of National Prosperity Gold Production Group Co. Ltd. for fabricating a bribery case, and two of the company's employees were also charged as abetting the fabrication.²¹ The ACC alleged that the director and two employees filed the bribery case with the purpose of defaming civil servants.²²

Ayeyarwady police are investigating former deputy speaker of the regional parliament, San Min Aung, for alleged misappropriation of funds.²³ The National League of Democracy had begun an internal investigation in December following a complaint alleging that he purchased five vehicles using embezzled government funds.²⁴ The ACC opened an investigation in February, finding that although his actions did not signal corruption, "action can be taken against him if he violated departmental regulations and other laws."²⁵

The ACC brought charges against five senior government officials from the Directorate of Water Resources and Improvement of River Systems for misuse of public funds.²⁶ The ACC's investigation determined that the officials have misused more than 537 million kyat allocated to sub-offices since 2014.²⁷

ACC Chair Aung Kyi submitted the ACC's annual report to the Union Parliament on Monday, April 29.²⁸ As part of the annual report, an independent third party conducted a nationwide survey, finding that "corruption had not declined significantly by the end of 2018, and remained at the usual [level]."²⁹ The ACC received 1,054 complaints in 2018, with 46 falling under its jurisdiction.³⁰

C. International Community / Sanctions

In the U.S., amid ongoing concern about human rights in Myanmar, including the violence against the Rohingya ethnic minority, a bipartisan pair of lawmakers is set to introduce legislation in the House of Representatives calling out Myanmar's government for its ongoing detention of political prisoners, including two Reuters journalists, and to provide new funding to the State Department to support organizations working for the prisoners' release. "We want to push hard to make sure that the United States is doing everything it can to advance the cause of human rights in Myanmar, both in terms of the Rohingya and, as our bill suggests, broadly throughout society," said a member of the U.S. House of Representatives Andy Levin, who is co-sponsoring the bill with a member of the U.S. House of Representatives Ann Wagner.

A group of Senate Republicans and Democrats introduced their own measure in mid-April that would impose sanctions and other penalties on Myanmar for human rights abuses. The legislation comes just days after Myanmar's president issued 9,551 pardons, but only two for political prisoners, according to the Assistance Association for Political Prisoners, an independent human rights organization that called the news "disappointing." U.S. lawmakers have been disappointed in President Trump's response to the human rights situation in Myanmar. President Trump has never spoken publicly about the violence systematically perpetrated against the Rohingya population. While senior officials like Vice President Mike Pence and former U.S. Ambassador to the United Nations Nikki Haley have condemned the violence as "ethnic cleansing," the Trump administration has been criticized for being slow to sanction Myanmar military officials and units and declining to pressure the government on other human rights abuses. It has also stopped short of calling the campaign against the Rohingya a "genocide," despite many other organizations, including the United Nations and the U.S. Holocaust Memorial Museum, using the term.³¹

The U.N. announced on April 2 the appointment of a U.S. prosecutor as head of an independent team that will probe human rights violations committed against Rohingya Muslims in Myanmar's Rakhine State. U.N. Secretary-General António Guterres named Nicholas Koumjian as the first head of the Independent Investigative Mechanism for Myanmar, established by the U.N. Human Rights Council in September 2018. Koumjian has more than 35 years of experience as a prosecutor, including almost 20 years of work in international criminal justice. Since November 2013, he has served as the international co-prosecutor for the extraordinary chambers in the courts of Cambodia. Min Lwin Oo, a legal advisor at the Norway-based Asian Human Rights Commission, said a prosecutor from a country other than the U.S. should have been appointed. Nandar Hla Myint, spokesman of the opposition Union Solidarity and Development Party ("USDP"), stressed that the investigation should be dealt with domestically. "The Rakhine issue is a domestic affair, and it has to be handled under domestic laws by the Tatmadaw, the government, and the people," he said. "There are existing laws that enable [us] to resolve domestic affairs, so our party won't accept any intervention in domestic affairs by portraying them as an international affair under the auspices of the U.N."³²

Amnesty International has highlighted an escalation in the number of politically motivated arrests and detentions in Myanmar in April. The two Reuters journalists, Wa Lone and Kyaw Soe Oo, who were sentenced to seven years in prison in September 2018, in part due to their reporting of a massacre committed against the Rohingya by Myanmar soldiers, were

awarded the 2019 Pulitzer Prize for international reporting on April 16. However, on April 12, film director and a founder of the Myanmar Human Rights Human Dignity International Film Festival Min Htin Ko Ko Gyi was detained in connection with Facebook posts critical of the military and the 2008 Constitution, and, on April 22, five people were taken into custody and are facing charges of defamation after they live-streamed a satirical performance mocking the Myanmar military.³³

II. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On April 22, Yangon's Mayangone Township Court ordered the detention without bail of five performers in a troupe which performs comedy and satirical slam poetry. The performers were arrested while rehearsing "thangyat," which is "a centuries-old custom allowing free rein to satirize rulers and society during New Year celebrations."³⁴ The performers were arrested under the penal code, which makes it a crime to make a statement "with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such."³⁵ Police had previously arrested three of the five troupe members on April 15, along with another member, Su Yadanar Myint, and charged them with violating section 66(d) of the Telecommunications Law. The four, who had posted a livestream of their performance on Facebook that was then shared on YouTube, had been released on bail. Up to 25 more members of the troupe have been reportedly sued under section 66(d) since April 23, but their names have not been released.³⁶ The U.S. Embassy in Myanmar issued a statement saying, "Journalism, satire, peaceful protest, and other forms of legitimate expression should not be crimes in a democratic society."³⁷ A spokesman for the ruling party justified the detentions, arguing that that restrictions on "thangyat" were temporary while the country works to achieve democracy.³⁸

Filmmaker and human rights activist, Min Htin Ko Ko Gyi, was denied bail on April 12 after been detained on criminal charges for posting on Facebook criticizing the role of the Tatmadaw.³⁹ Min Htin Ko Ko Gyi, who founded the Human Rights, Human Dignity International Film Festival, has been a strong critic of the Myanmar military. He posted a series of Facebook posts criticizing the undemocratic military-drafted 2008 Constitution and the political role that it grants to the Tatmadaw. Lieutenant-Colonel Lin Htun of Yangon Region Command opened a defamation case against the filmmaker at the end of March under Article 66(d) of the Telecommunications Law. Just days later, the officer opened a second case against Min Htin Ko Ko Gyi under non-bailable Article 505(a) of the Myanmar Penal code. Both charges carry a maximum two-year prison sentence.⁴⁰

The human rights NGO, Human Rights Watch, has expressed concern about the recent arrests of people who have been critical of the Tatmadaw and Myanmar government, calling the arrests reflective of "the rapid decline in freedom of expression in Myanmar."⁴¹ Human Rights Watch notes that many peaceful critics have been arrested under several laws, particularly section 66(d) of the Telecommunications Law and section 505 of the penal code, and said, "Parliament, which begins its new session on April 29, 2019, should repeal or amend repressive laws used to silence critics."⁴²

B. Freedom of the Press and Censorship

The Tatmadaw has sued The Irrawaddy News, a Burmese news outlet, under Article 66(d) of the Telecommunications Law for its coverage of recent clashes between the Army and the Arakan Army (“AA”) in Mrauk-U in Rakhine State.⁴³ The military’s Yangon Region Command filed the case against the news agency’s Burmese edition editor Ye Ni on April 12 at Kyauktada Police Station. The editor was granted bail on the same day. It is the second time the military has taken legal action against The Irrawaddy in the past three years. The New York-based Committee to Protect Journalists (“CPJ”) has urged the Tatmadaw to drop the lawsuit against The Irrawaddy and called for the military to stop using legal threats to stifle news coverage of ongoing armed conflicts.⁴⁴

Several independent media outlets in Myanmar received anonymous threats over their coverage of the ongoing fighting between the AA and government troops.⁴⁵ The threats were conveyed both by phone and fake email accounts. An email sent to one outlet reads: “AA is not a terrorist organization but fighting for the Rakhine fatherland. Media outlets have to stop [spreading] wrong information that could lead to misunderstandings between the AA and Rakhine, and other ethnic people. If it does not, news outlets will face damage. We can’t guarantee the safety of media houses and their reporters. If there [appears] anything bad about AA despite our warnings, we will blast your organization.” In December 2018, the AA sent warning letters, each accompanied by a bullet and the official AA stamp, warning the recipients—including a police station head, village administrator and a businessman—against disturbing those who are “implementing the Way of Rakhita”—a self-determination concept. Both the AA and the Tatmadaw have denied making the threats.

The Deputy Minister of Information and media outlets across Myanmar have denounced the threats, saying the messages pose a threat to the entire country as it transitions toward democracy.⁴⁶ However, the Deputy Minister for Information also said that journalistic ethics must be maintained as “a shield that protects journalists, and this is an alarm to remind us that we should never drift from ethical reporting.” The Chairman of the Myanmar Press Council has forwarded the reports it received on to the President’s Office in hopes that it can track down who sent the threats.

The Myanmar Supreme Court rejected the appeal of the two Reuters journalists who were sentenced to seven years in jail for violating the Official Secrets Act with their reporting on the killing of 10 Rohingya men and boys.⁴⁷ The Court did not elaborate on the reasons for its decision. Lawyers for the reporters had appealed to the Supreme Court, citing lack of proof of a crime and evidence that the pair were set up by police.⁴⁸ A policeman told a lower court last year that officers had planted secret documents on the two reporters. Following the ruling, the United States renewed its call on Myanmar to free the journalists. State Department spokeswoman Morgan Ortagus said that the Supreme Court decision sent “a profoundly negative signal about freedom of expression” in Myanmar.⁴⁹ “The United States is deeply concerned by recent arrests of reporters, political activists, civil society members and satirical performers in Burma,” said Ortagus.

The United Nations’ cultural agency awarded its annual press freedom prize to the two Reuters reporters jailed in Myanmar over their reporting of the killings of Rohingya Muslims in

the country.⁵⁰ Wa Lone and Kyaw Soe Oo have been in prison since December 2017, detained on claims of violating state secrets. The Guillermo Cano prize, named for a Colombian journalist gunned down in Bogota in 1986, will be awarded on May 2 at a ceremony in Ethiopia on the eve of World Press Freedom Day. On April 15, the Pulitzer Center in New York handed its award for international reporting to news organization Reuters, with a special mention for the two jailed journalists.⁵¹ The prize was given to the team from Reuters for “exposing military and Buddhist villagers responsible for the systematic removal and murder” of Muslims in northern Rakhine State.⁵² Reuters Editor-in-Chief Stephen Adler said that despite being thrilled that Wa Lone, Kyaw Soe Oo and their colleagues were recognized for their extraordinary, courageous coverage, he was also saddened. “I remain deeply distressed...that our brave reporters Wa Lone and Kyaw Soe Oo are still behind bars,” he said.

III. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Over \$1.87 billion of foreign investment across 139 projects was made in Myanmar in the first half of the fiscal year 2018-2019, according to figures from the Directorate of Investment and Company Administration (“DICA”). The transport and communication sector topped the list with investments of over \$680 million, followed by manufacturing with over \$601 million. Singapore was the largest investor with over \$1.1 billion of investments. Regionally, the Yangon region attracted 60% of the investments, followed by Mandalay with 30%. Meanwhile, Myanmar’s total foreign trade reached \$16.93 billion, with the sea trade amounting to \$12.09 billion between October 2018 and March 29, 2019, according to figures from the Commerce Ministry.⁵³

The Yangon regional government will sign a Memorandum of Understanding (“MoU”) with a consortium of Hong Kong and Taiwan companies in May to develop an international-standard industrial zone in Htantabin Township in the west of Yangon. With an estimated investment amount of \$500 million, the Htantabin Industrial Zone is planned to cover more than 1,000 acres and is expected to create more than 150,000 job opportunities. The regional government and the Hong Kong-Taiwan consortium, Golden Myanmar Investment Co., are scheduled to sign the MoU on May 10. It is expected to take about nine years to fully implement the Htantabin Industrial Zone. This is the first of eleven industrial zones that are planned for undeveloped areas on the outskirts of Yangon.⁵⁴

According to the DICA, the Myanmar Investment Commission (“MIC”) has permitted an infrastructure project with a total investment amount of approximately \$290 million for port and container yards on a build-operate-transfer (“BOT”) basis. The Singaporean investment is expected to create more than 1,000 local jobs.⁵⁵

China and Myanmar recently signed two MoUs and one agreement letter. One of the MoUs relates to the China-Myanmar Economic Corridor, which is part of Beijing’s ambitious Belt and Road Initiative, part of which aims to construct basic infrastructure connecting key economic centers in Myanmar. The corridor will connect Kunming, the capital of China’s Yunnan province, to Myanmar’s major economic checkpoints—first to Mandalay in central Myanmar, and then east to Yangon and west to the Kyaukphyu Special Economic Zone.⁵⁶ The

second MoU aims to establish a five-year collaboration between both countries for the development of the trade and economic sector. It was reported that the two governments also discussed ways to promote collaboration on infrastructure and technology, Myanmar's transport-related infrastructure development in connection with the Belt and Road Initiative, an increase of Myanmar's rice export quota of currently 100,000 tons and additional purchases by China of agricultural goods and livestock produced in Myanmar.⁵⁷ A third official document, an agreement letter, outlines the countries' collaboration on economic and technology-related issues.⁵⁸

Aung Naing Oo has been appointed as permanent secretary of the Ministry of Investment and Foreign Economic Relations. He was previously promoted from his former position as director general of the DICA to director general of the Office of the Union Investment and Foreign Economic Relations on March 29, 2019. It is reported that Aung Naing Oo will hold both positions concurrently. The investment ministry was established in November 2018. Two departments which were previously part of the Ministry of Planning and Finance – DICA and the Foreign Economic Relations Department – were also moved to the new ministry.⁵⁹

Golden Myanmar Airlines has received approval from the Myanmar Investment Commission to operate an aviation fuel business. It received permission for the “importation, storage, distribution, transportation and (into plane) fuelling of jet fuel.” It was announced that the joint venture would operate at the airports of Tachileik, Kawthaung, Nyaung Oo, Heho, Sittwe, Myitkyina and the Mandalay International Airport. However, the new venture does not appear to have received permission to operate at Yangon International Airport, the country's busiest airport. Until 2015, the state-owned Myanmar Petroleum Products Enterprise was the sole supplier of aviation fuel in Myanmar. In 2015, it formed a joint venture with Singapore's Puma Energy following a tender offer. The joint venture, NEPAS, operates at 11 airports, and is currently the only source of aviation fuel. Established in 2012, Golden Myanmar Airlines operates flights to 10 destinations using two ATR 72-600 aircraft.⁶⁰

China continues to develop its relationship with Myanmar through the tourism industry. China Eastern Airlines launched extra flights to Yangon International Airport in April and is increasing efforts to encourage tourists from Myanmar to visit China. “We take the Myanmar tourism market seriously as Myanmar is a promising country. So, for the convenience of travelers, we will try at the earliest to connect both cities with a direct flight,” said Ding Yun Lai, governor of Wulingyuan district in China. As tourists from both Myanmar and China usually travel in groups, more cooperation is needed to develop a systematic and organized industry catering to the needs of the tourists, said Kyaw Win, a member of the Myanmar-China Tourism Marketing Team. Myanmar hosted more than 3.5 million tourists in 2018, of which 40% were Chinese, according to the Myanmar-China Marketing Committee.⁶¹

Four Myanmar life insurance companies, Citizen Business Insurance, First National Insurance, Grand Guardian Insurance and Capital Life Insurance, will cooperate with their foreign counterparts to form joint ventures in Myanmar, according to the Myanmar Insurance Association (“MIA”). Earlier this year, the Ministry of Planning and Finance allowed foreign insurers to operate in the Myanmar insurance market for the first time. Foreign life insurers can

operate in Myanmar as 100% wholly-owned subsidiaries or by way of a joint venture with local insurers. Foreign non-life insurance providers can operate by establishing joint ventures only.⁶²

Myanmar recently enacted the Condominium Law and Rules, which relax the regulation of the construction of condominiums. A condominium is defined as part of a building with six floors or more on collectively owned land. Foreign individuals can own up to 40% of the total floor area of a condominium, however no individual may own more than 25% of the units. Some commentators expect that this new law will increase interest in the market for condominiums, as currently a large share of the local population does not have the financial means to purchase a condominium. A new Apartment Law is also being drafted and is expected to be enacted in the coming year. Further, a Real Estate Service Law is anticipated to be enacted in mid-2019, which would ease the use of real estate agents for foreigners.⁶³

B. Economic Development—Infrastructure, Major Projects

On April 1, Sunway Construction Group Bhd announced a partnership with Capital Construction Ltd (“CCL”) to develop major infrastructure and construction projects in Myanmar. Sunway Construction Group Bhd signed a memorandum of understanding with CCL through its subsidiary Sunway Builders (Myanmar) Co Ltd. CCL is the construction division of Capital Diamond Star Group (“CDSG”), one of Myanmar’s most respected and prominent conglomerates with leading businesses in various sectors, including real estate development and construction. Through the partnership, the companies plan to jointly bid for potential projects to be developed by CDSG, including mix-used developments, offices, hotels, hospitals, and external infrastructure projects.⁶⁴

Also on April 1, the Federation of Contractors’ Association of Nepal and Myanmar Licensed Contractors Association signed a memorandum of understanding to move ahead in collaboration for infrastructure development during the concluding ceremony of the Nepal Investment Summit.⁶⁵

C. Land Seizures

Approximately 200 farmers in Shan State held a protest to demand the return of their land allegedly seized by the military.⁶⁶ The “thousands of acres of land” in question were allegedly seized in 2012, but have been left idle since. The farmers were not compensated at the time of the seizure, and received no notice that their land was being seized. The land in question is allegedly being sold off by government agents.

Meanwhile, in Kayin State, some residents are celebrating the arrest of Saw Nyi Nyi, who led the implementation of a controversial housing project.⁶⁷ Saw Nyi Nyi divided and sold land to be used for the poor. The project allegedly trespassed on the original land owners’ property, and those complaints were brought to the state government committee charged with addressing such complaints in January 2017. Subsequently, about half of the prohibited houses on the site were demolished and the land, other than forest land, is slated to be returned to its original owners. This has caused tensions between the original land owners and the purchasers.

Challenges to dispossessed landholders trying to reclaim their land in Tanintharyi Region were highlighted this month. In 2011, more than 13,000 acres of forest in one township in the region were cleared for oil palms.⁶⁸ The displaced farmers were not compensated for their land. Farmers requesting their land back have been told that they must provide certain documents, which many farmers do not have. An amendment to the law in 2018 required land users, including any farmers who have moved back onto unused portions of the land, to apply for permits by March 11, 2019 or face eviction or prosecution for trespassing. In another town in the region, villagers have been sued three times in the last three years for attempting to re-establish their crops in areas undeveloped by palm oil companies. Villagers who have attempted to apply for permits have been subject to abuse and hostile treatment from officials charged with adjudicating claims. It remains to be seen whether the confusion over implementation of the law requiring registration will be resolved in the coming months.

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

A report released in March by Human Rights Watch detailed the plight of women and girls trafficked from Myanmar's Kachin State to China to bear children to unmarried men.⁶⁹ Victims are offered jobs in China but, upon arrival, are sold off to unwed men, confined and repeatedly raped until they become pregnant.⁷⁰ Victims are also often forced into domestic servitude, facing the harrowing decision whether to leave their child behind to escape.⁷¹ 227 cases were identified in 2017; however the number is likely to be exponentially higher, due to fear, stigma, and the inherent difficulty of gathering reliable statistics about illicit offending.⁷² The victims, many of whom have been displaced by the ongoing conflict in the region between the Kachin Independence Organization and the Myanmar military, were as young as 14 years old.⁷³

A member of the Ta'ang National Liberation Army ("TNLA"), Maj Mai Aik Kyaw, said that the TNLA clashed with the Tatmadaw on April 22 near Nan-se village in Namkham Township and that the clash lasted about 15-20 minutes.⁷⁴ According to the TNLA, the fighting took place with military columns from the Tatmadaw's Light Infantry Division 88.⁷⁵ "Even though it was a small battle, the Tatmadaw opened fire with artillery, using at least 20 rounds, from the Tatmadaw's new military camp in Namkham," Maj Mai Aik Kyaw said.⁷⁶

The Kachin Independence Army ("KIA") and the Tatmadaw have engaged in a series of clashes in mid-April in northern Shan State's Muse Township as the end of the military's self-imposed four-month truce nears, sources on both sides said.⁷⁷ The KIA believes the Tatmadaw deployed more troops and launched military operations because it wants to take over the areas currently under the control of the two KIA battalions.⁷⁸ The Tatmadaw's Brigadier General Zaw Min Tun said the clashes occurred while "the Tatmadaw troops were just doing their administrative work and conducting regular movements in the area in northern Shan State."⁷⁹

B. Peace Talks

A senior leader of the AA said that the group is giving more weight to its struggle for self-determination rather than achieving peace in Rakhine State.⁸⁰ Major General Tun Myat

Naing, chief of staff of the AA, said, “It is true we want peace. However, for Rakhine people, the right to self-determination is more important. If we get it, peace will automatically follow.” China’s mediation of the conflict and discussions between government negotiators and AA leaders have made little progress, said Maj. Gen. Tun Myat Naing.

The National Reconciliation and Peace Centre (“NRPC”) met with the Karen National Union (“KNU”) with the aim of resuming peace talks and carrying out the implementation of the peace process.⁸¹ The KNU had temporarily suspended its participation in all peace negotiations after high-level talks with the government in October 2018.⁸²

The National Socialist Council of Nagaland-Khaplang (“NSCN-K”) says it will struggle to keep up peace talks with the Tatmadaw if it does not release all members of the armed rebel group it has detained, including those on its negotiating team.⁸³ In early March, more than a month after taking control of the NSCN-K’s headquarters in Sagaing Region, the military arrested 10 of the group’s political leaders and six fighters, including captains. Five of the detainees were released on April 5, leaving the fighters and the five leaders charged under the Unlawful Associations Act in custody.⁸⁴ NSCN-K liaison officer Jüvlengthong (or Cue Hlaing Thong) said “further peace negotiations would be difficult as both Chairman An Kam and Vice Chairman Kyaw Wan Sein, who lead the NSCN-K peace committee, as well as our home affair minister are among the detainees.” Colonel Than Naing, spokesman for the military’s Northwestern Command, confirmed that the military released five of the detainees “because, according to our initial investigation, they were not directly involved in the matter even though they are with the NSCN-K.” Jüvlengthong said the group has written to the government’s National Reconciliation and Peace Center, led by the State Counselor Aung San Suu Kyi, and the Office of the Commander-in-Chief asking them to intervene but have yet to hear back.

Union Attorney General Tun Tun Oo said that State Counselor Aung San Suu Kyi is not interested in assigning blame for the stalled peace process.⁸⁵ “It is completely impossible that each group can get 100 percent of their demands satisfied in political discussions. Only with mutual understanding and trust can negotiations deliver results,” he said. Tun Tun Oo called for collaborative efforts in addressing the challenges facing each group. “The government really wants to start official talks as soon as possible. And I’d like to say seriously that the government is ready to cooperate to resolve the problems obstructing the talks,” he said.

- ¹ International Crisis Group, April 25, 2019: <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b155-building-better-future-rohingya-refugees-bangladesh>.
- ² Reuters, April 23, 2019: <https://www.reuters.com/article/us-myanmar-rohingya-politics-insight/in-rohingya-camps-a-political-awakening-faces-a-backlash-idUSKCN1S000D>.
- ³ *Id.*
- ⁴ International Crisis Group, April 25, 2019: <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b155-building-better-future-rohingya-refugees-bangladesh>.
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ UNHCR, April 26, 2019: <https://www.unhcr.org/news/press/2019/4/5cc2caed4/un-humanitarian-leaders-highlight-urgent-need-sustain-support-rohingya.html>.
- ⁹ *Id.*
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² UNHCR, April 26, 2019: <https://www.unhcr.org/news/stories/2019/4/5cc322a34/world-must-turn-rohingya-crisis-say-un-chiefs.html>.
- ¹³ Al Jazeera, April 26, 2019: <https://www.aljazeera.com/news/2019/04/forget-rohingya-urges-support-refugees-190426183314190.html>.
- ¹⁴ *Id.*
- ¹⁵ *Id.*
- ¹⁶ Frontier Myanmar, March 28, 2019, <https://frontiermyanmar.net/en/campaign-finance-black-holes-in-yangons-election>.
- ¹⁷ Frontier Myanmar, April 10, 2019, <https://frontiermyanmar.net/en/yangons-election-flop>.
- ¹⁸ The Irrawaddy, April 1, 2019, <https://www.irrawaddy.com/news/burma/senior-mining-enterprise-official-arrested-corruption.html>.
- ¹⁹ *Id.*
- ²⁰ The Irrawaddy, April 3, 2019, <https://www.irrawaddy.com/news/burma/anti-corruption-commission-sues-gold-mining-firms-staff-false-bribery-claim.html>.
- ²¹ *Id.*
- ²² *Id.*
- ²³ The Irrawaddy, April 5, 2019, <https://www.irrawaddy.com/news/burma/irrawaddy-police-investigating-lawmaker-embezzlement.html>.
- ²⁴ *Id.*
- ²⁵ *Id.* (quoting Region Parliament Speaker U Aung Kyaw Khine).
- ²⁶ The Irrawaddy, April 11, 2019, <https://www.irrawaddy.com/news/5-water-resources-officials-face-corruption-charges.html>.
- ²⁷ *Id.*
- ²⁸ The Irrawaddy, April 30, 2019, <https://www.irrawaddy.com/news/burma/overall-corruption-situation-not-improved-anti-graft-chief-says.html>.
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- ³⁰ *Id.*
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