

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MAY 2019 REPORT

Summary. This report reviews the May 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

Nearly two years after over 700,000 Rohingya began crossing the border into Bangladesh, the Rohingya refugees living in camps in Cox's Bazaar remain vulnerable to serious health risks.¹ The refugees reside in dense, overcrowded, and cramped spaces, have access to only poor quality water, and are subject to inadequate vaccination coverage. All of these factors have left Rohingya refugees vulnerable to outbreaks of contagious diseases.² Between August 2017 and March 2019, Médecins Sans Frontières, an international humanitarian medical non-governmental organization, treated 7,032 patients for diphtheria, 4,987 patients for suspected measles, and 99,681 for acute watery diarrhea.³ Médecins Sans Frontières is working with the Bangladesh government to improve public health in the refugee camps and reduce the risk of disease outbreak, including by strengthening the routine immunization program in the camps. The inadequate provision of secondary healthcare for the residents of Cox's Bazaar remains a serious concern.

Ursula Mueller, United Nations assistant secretary-general for humanitarian affairs, has urged Myanmar to grant aid workers predictable and sustained access to Rakhine State, where fighting between government troops and ethnic armed groups has displaced nearly 33,000 people since late last year.⁴ Mueller stated that Myanmar authorities had rejected her requests to allow aid groups to enter Rakhine State to aid those in the region who are in need, and that this lack of access to aid has cost lives in the region.⁵ Mueller also visited camps outside of Sittwe, the capital of Rakhine State, where thousands of Rohingya have been confined since a previous period of violence in 2012. Most Rohingya held in these camps lack citizenship and face restrictions on movement and access to basic services.⁶ While Myanmar has been cooperating with the United Nations on a strategy to close the camps, it has not been letting internally displaced persons return to the areas from which they fled.

On May 14, a United Nations Independent International Fact-Finding Mission on Myanmar ("FFM") urged the international community to cut off all financial and other support to Myanmar's military commanders.⁷ FFM chairperson Marzuki Darusman stated that Myanmar has not done enough to resolve its internal conflicts and preserve human rights, including the rights of over a million ethnic Rohingya civilians who have been forced into exile. Another FFM member claimed that acknowledging human rights violations and holding people accountable is the only way to move forward, and added that "the repatriation of refugees remains remote unless and until the Myanmar government takes concrete measures to provide conditions that are conducive for voluntary, safe, dignified, and sustainable return, including full and equal inclusion in Myanmar society."⁸

B. Corruption

Over two days, thirty-three lawmakers discussed the Anti-Corruption Commission's ("ACC's") first year of performance, as disclosed in the ACC's 2018 annual report.⁹ The lawmakers pointed to some issues with the ACC's performance, including transfers of high numbers of complaints to other governmental bodies and the "soft sentences" given by those bodies.¹⁰ ACC chair Aung Kyi also expressed frustration with the bodies to which the ACC

transferred complaints, and cited “an unwillingness to cooperate, as well as a lack of accountability and transparency” as the biggest challenges facing the ACC.¹¹

On May 16, a clerk of the regional Department of Rural Road Development was sentenced to four years in prison with labor by the Mandalay Region High Court for corruption.¹² The ACC had filed a complaint in October 2018, alleging that the clerk and a deputy director—who is still at large—paid out only twenty-five percent of costs accrued by contractors working on constructing inter-village roads.¹³

The ACC initiated a lawsuit against Mar Lar Tin, a Myanmar Agricultural Development Bank branch manager, for allegedly misappropriating agricultural loans.¹⁴ The allegations state that in August 2017, Mar Lar Tin charged a group of farmers 700,000 kyats to approve their loan request.¹⁵

Following allegations of bribery and corruption in which a village administrator gave Chinese melon growers license to grow melons in return for payment, the Union government will implement a ban on landowners leasing lands for melon cultivation to foreign individuals.¹⁶ The restriction is designed to keep growers from violating national laws and will begin next growing season.¹⁷

Min Thu, a minister of the Office of the Union Government, recently discussed plans to reform the General Administration Department.¹⁸ Part of the reforms will include establishing a Corruption Prevention Unit and Min Thu called for staff “to be free of self-interest and corruption.”¹⁹

Following complaints on social media, the head police officer of Mudon Township Police Station in Mon State is under investigation for allegedly taking bribes.²⁰ Khin Maung Tun allegedly asked for and accepted a bribe of 100,000 kyats.²¹ The allegations have been forwarded to the Mon state government and the ACC, which will decide whether to take action.²² During a press conference, the Myanmar military stated that the military’s internal mechanisms are used to take action against corrupt military officials.²³ The military declined to provide further information or to clarify what actions it has taken.²⁴

C. International Community / Sanctions

The European Union announced on April 29 that, based on an annual review, it will extend an embargo on sales of any arms that could be used in security crackdowns in Myanmar as well as sanctions against 14 top military and border officials until April 30, 2020. Travel bans and asset freezes were imposed on the 14 officials “for serious human rights violations, or association with such violations” against the Muslim Rohingya minority in Rakhine State. The EU also refuses to cooperate with, or provide training to, the Myanmar military. The EU decision came a few days after Senior General Min Aung Hlaing told Russian reporters during a visit in Moscow that the Tatmadaw will be relying more on Russian weapons in its modernization program.²⁵

Following a statement released on May 14 by the Independent International Fact-Finding Mission (“IFFM”) on Myanmar, urging the international community to cut off financial aid to

Myanmar's military, the government of Myanmar again rejected UN calls for accountability in its handling of the ongoing Rohingya crisis. Mission Chair Marzuki Darusman said drastic measures were needed since Naypyidaw has done little to resolve the situation the Rohingya face nearly two years since the Myanmar military drove the community from their homes in Rakhine State. "There has been no movement toward a resolution to the crisis," he said. "The situation is at a total standstill." The fact-finding mission met representatives from Chin, Kachin, Shan and Rakhine communities to discuss violence and fighting and humanitarian problems. "Meeting with these different ethnic communities only underscored our findings that the Tatmadaw has over time committed similar atrocities against many of the ethnic groups living within the borders of Myanmar. Acknowledging that human rights violations have been committed, holding people accountable and reforming the Tatmadaw is the only way forward," mission member Radhika Coomaraswamy said.²⁶

In response to the UN statement, military spokesman Brigadier General Zaw Min Tun said there would be little effect on the military since it is self-reliant. "The Tatmadaw is standing mainly on its own feet rather than depending on foreign assistance. Most of the basic weapons now being used by the Tatmadaw are produced locally nowadays," he said. Zaw Min Tun also said that despite the UN recommendation, Myanmar's international military relationships will remain strong. "Our military acquired most of its technologies from China and Russia. We have sent several officers to Russia's military academies for training, and outstanding students excelled in their studies," he said. "We also have sustained relationships with ASEAN countries and neighboring countries, aside from strategic alliance with China and Russia. So given the extent of Myanmar military's existing international relationships, the recommendation from this Fact-Finding Mission will not affect us," he added.²⁷

On May 23, a group of Rohingya leaders from inside Myanmar, as well as from the Rohingya and Myanmar Muslim diaspora, released a statement of support for the UN Fact Finding Mission's call for restrictive economic and political measures against the Myanmar military and military-owned companies. They stated that the clear lack of good faith by the regime towards the Rohingya must lead to renewed international pressure. This includes the EU continuing to show leadership through additional sanctions against the military, its most senior leadership, and the military-owned companies which have fueled the genocidal campaign against the Rohingya and the continuing atrocities. The group also stated that the UN Security Council must also put in place an arms embargo to cut off the flow of weapons.²⁸

Human rights activists have expressed concerns over the release of seven Myanmar soldiers who murdered 10 Rohingya in a 2017 military crackdown in Rakhine State. Reuters reported on May 27 that Myanmar had granted early release to the jailed soldiers back in November 2018, meaning that they had served less than a year of their 10 year prison term. "The only reason these seven soldiers were arrested is because Reuters journalists Wa Lone and Kyaw Soe Oo exposed these cold-blooded murders in an investigative news story that could not be refuted," Phil Robertson, deputy Asia director of Human Rights Watch tweeted. "More than anything, the early release of these seven soldiers reveals Senior General Min Aung Hlaing and Tatmadaw commanders don't really consider the Rohingya to be human, and were never committed to seeing anyone held accountable for their crimes in Rakhine State," he added. Maung Zarni, leader of the Free Rohingya Coalition ("FRC"), a global network of Rohingya

activists, accused the Myanmar government of serving complete impunity for murderers. “How can [Aung San Suu Kyi]’s International Commission of Enquiry be truthful, credible or trustworthy?” he added.²⁹

On May 29, Amnesty International accused the Myanmar military of committing new war crimes in its fight against the Arakan Army (“AA”). According to the investigation by Amnesty, Myanmar’s armed forces were ordered by the government to crush the AA. The AA accuses the central government of ignoring their concerns and have stepped up attacks in recent months against government personnel and installations. According to Amnesty, “the new operations in Rakhine State show an unrepentant, unreformed and unaccountable military terrorizing civilians and committing widespread violations as a deliberate tactic.” Nicholas Bequelin, Regional Director for East and Southeast Asia at Amnesty International, said, “Less than two years since the world outrage over the mass atrocities committed against the Rohingya population, the Myanmar military is again committing horrific abuses against ethnic groups in Rakhine State.”³⁰

II. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On May 23, the Amarapura Township Court in Mandalay accepted a defamation complaint from the Tatmadaw against Thawbita, a local Buddhist monk who allegedly posted material criticizing the military on Facebook.³¹ The court will hand over the investigation to the police and will decide on the charges.³² Thawbita is already facing a lawsuit under Article 66 (d) of the Telecommunications Act because his Facebook posts accused Senior General Min Aung Hlaing of orchestrating a prison break, likened the commander-in-chief to a cow, and claimed that the military was more destructive than a natural disaster.³³ Upon filing the second complaint, Lieutenant-Colonel Aung Myo Kyaw described Thawbita’s social media posts as “extreme” and claimed that defaming the military is equivalent to defaming the state.³⁴

Also on May 23, filmmaker and activist Min Htin Ko Ko Gyi attended a hearing at the Insein Court outside of Yangon.³⁵ Min Htin Ko Ko Gyi was arrested in April due to his criticism of the 2008 constitution. The activist commented that the military was “meddling in the legal matters of the country in an unlawful manner,” since the Attorney General, Tun Tun Oo, was previously a member of the military.³⁶ In his statement, Min Htin Ko Ko Gyi insisted that no criticism should be directed at Aung San Suu Kyi but that the Tatmadaw should be blamed for its interference in the justice system.³⁷ Similarly, at a court hearing on May 22, members of the Peacock Generation, a thangyat troupe that performs satirical poetry, stated that they were handcuffed in court at the Tatmadaw’s insistence.³⁸ Paing Ye Thu, a member of the performing group, stated that the “police are being pressured by the military.”³⁹ Members of the Peacock Generation had been arrested for their performances and denied bail.

B. Freedom of the Press and Censorship

Aung Marm Oo, editor-in-chief of Development Media Group (“DMG”), a privately owned Rakhine news agency, went into hiding on May 1 after authorities filed a complaint seeking his arrest under the Unlawful Association Act.⁴⁰ The suit was brought under Article

17(2) of the Act, which provides that those who assist or promote prohibited associations may be punished by fines and imprisonment up to five years.⁴¹ At this time, no specific reason has been given for the lawsuit; however, two reporters were questioned about DMG's administrative structure as well as key stories.⁴² As of May 13, Aung Marm Oo was still awaiting the Myanmar Press Council's reply to his request for mediation.⁴³

On May 7, the two Reuters journalists, Wa Lone and Kyaw Soe Oo, who had spent more than 500 days in a Myanmar prison for reporting on the country's crackdown on the Rohingya population, were released. Their unexpected release, during a mass prisoner amnesty, followed international condemnation over their conviction, which had raised serious questions about Myanmar's transition to democracy and had tainted the reputation of Myanmar's leader Aung San Suu Kyi. Speaking briefly to reporters outside the prison, Wa Lone thanked all those who had lobbied for their freedom, and said, "I am very happy to see my family and my colleagues. I can't wait to go to my newsroom." The reporters' wives had repeatedly appealed for their release after they were sentenced to seven years in prison under the colonial-era Official Secrets Act for receiving documents from a police officer. The two men denied any wrongdoing, and, during their lengthy trial, a key prosecution witness admitted that their arrests were a setup. The men had been investigating the extrajudicial murder of 10 Rohingya Muslim men and boys at the village of Inn Din in northern Rakhine State, for which seven Myanmar soldiers were later sentenced to ten years of hard labor. The report that the two men authored, featuring testimony from perpetrators, witnesses and families of the victims, was awarded the Pulitzer Prize for international reporting in May, adding to a number of awards received by the reporters. They were named by Time magazine as its "Person of the Year" alongside other journalists last year. Aung San Suu Kyi had previously resisted international pressure to intervene in the case and free the journalists, including from Mike Pence, the U.S. Vice President, and Jeremy Hunt, the British foreign secretary. Mr. Hunt said that he was "extremely grateful she has listened to me and many others and responded to a clear miscarriage of justice." But human rights groups, while welcoming the release of the reporters, highlighted that they should never have been jailed in the first place, and cautioned that the fight to uphold media freedom in Myanmar continues. "The crisis is not over for the literally dozens of other Myanmar journalists and bloggers who are still facing baseless criminal charges for their reporting about the Tatmadaw or [National League for Democracy] government officials," said Phil Robertson, deputy Asia director for Human Rights Watch.⁴⁴

Following a protest that took place in Mandalay on May 15, authorities arrested Nanda, a journalist for Channel Mandalay TV, who was livestreaming the protest.⁴⁵ The protest was against a construction project at a coal-powered cement plant which has led to land loss and a heavy influx of immigrant employees tasked with working at the site.⁴⁶ Nanda was accused of being involved in the protest, and as of May 23, was detained in Mandalay's Oboe prison.⁴⁷ According to Min Din, a Channel Mandalay executive, the charges are without merit and Nanda was positioned between the protestors and police in order to better cover the protest, not to participate in it.⁴⁸ The Committee to Protect Journalists called for Nanda's release and noted that Myanmar must stop harassing the press in order to be taken seriously as a democracy.⁴⁹

III. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

At the end of May, the Myanmar Investment Commission (“MIC”) permitted six investment projects, according to the Directorate of Investment and Company Administration (“DICA”). The commission’s meeting, led by Chairman Thaung Tun, approved the six projects worth 106.4 billion kyats (\$69.6 million). The investments are in the country’s energy, telecommunications service and education service sectors, creating about 659 employment opportunities. According to the DICA’s figures, Myanmar attracted over \$2.41 billion in foreign investment as of April 30, 2019, the first seven months of the fiscal year 2018-2019. During this period, the transport and communication sector topped the list with over \$1.16 billion, followed by manufacturing with over \$668.3 million. Regionally, Yangon region attracted 60% of both local and foreign investments, followed by Mandalay with 30% and the rest flowing into other regions and states.⁵⁰

Singapore has overtaken China as the top investor in Myanmar since January 2019. However, some investors classified as Singaporean may not be citizens of the country but are instead only based in the island-nation. The other top investors in Myanmar are Thailand, Hong Kong, the United Kingdom, Korea, Vietnam, Malaysia, the Netherlands, Japan, India, France, the United States, Indonesia and Canada.⁵¹ Despite being the biggest investor in the ASEAN region, the EU is only the fifth-largest foreign investor in Myanmar with an accumulated investment portfolio of \$6.8 billion as of March 2019. Between 2013 – when Brussels reinstated its Everything but Arms (“EBA”) trade preferences scheme, which allows qualifying nations to export any goods except weapons to the EU tariff-free – and 2018, bilateral trade between the EU and Myanmar grew from EUR 568 million to EUR 2.8 billion. Today, the EU is Myanmar’s largest garment and footwear market.⁵²

Myanmar and Chinese officials signed a memorandum of understanding, identifying three locations for the border economic cooperation core zones of the China-Myanmar Economic Corridor. Myanmar’s central committee for the Border Economic Cooperation Zone (“BECZ”), which met recently, decided on the areas for the core zones at Muse and Chin Shwe Haw in the northern part of Shan State and Kan Pite Tee in Kachin State. For the agreed upon Muse core zone, an export product manufacturing, processing and warehouse area will be located at Panghsang (KyuKoke)-Wantain-Nwan Yin (Kyin San Kyawt)-Mantman (Shweli) while an import processing and warehouse area will be located at Salant (Manhiro)-Salin and Namkhang-Naungtaung. China has also started processing works on their side of the border. Only Myanmar-owned companies will be allowed to participate in the bidding, although foreign investors can still participate by holding up to a maximum 35% stake in such companies. Local companies will have to present a detailed concept plan of their potential investment and source of their capital investment. These core zones straddling the borders of both countries will have duty-free concessions, hotels, factories and banks. The zones will play a vital role in bilateral economic cooperation with Myanmar able to conduct overland trade through Kyaul Kaung, China while Chinese overland trade can be conducted through Muse.⁵³

Myanmar’s power sector will spearhead growth in the infrastructure industry and draw the bulk of foreign direct investments (“FDI”) over the next five years, Fitch Solutions Macro

Research said in a recent report. Just 40% of all households had access to electricity as of September 2017, which is amongst the lowest levels in Asia, the research firm said. Power cuts still take place during the summer months and are a major impediment to economic development. The government is aiming for full electrification by 2030. In Myanmar, almost half of all uncompleted projects in the pipeline, valued at US\$1 billion, are related to the power sector. This indicates that the country is likely to fall short of capacity requirements. “Projects in planning or under construction only have a total of 7,319MW of capacity. As such, we expect more power projects to be undertaken in the next decade in order to boost generation capacity. We currently forecast Myanmar’s construction sector to grow at an annual average of 8.9 percent in real terms, from 2019 to 2028, largely driven by infrastructure in the power sector,” Fitch Solutions said in its report. The expansion of Myanmar’s power infrastructure sector will be spearheaded by the construction of natural-gas-fired power plants. Just last year, the government announced four such projects, to be completed by 2021 and adding some 3100 MW in power generation capacity to the grid. There are currently nine gas power projects in the pipeline, with the largest being the US\$1.25 billion Ayeyawady Combined Cycle Power Plant, which is currently in the planning stage. More investments in transmission infrastructure can also be expected. “The poor state of transmission infrastructure means that we are likely to see more grid and transmission projects as electricity capacity expands,” Fitch Solutions said. “Transmission infrastructure will be needed to link newly constructed power plants to demand centers and to link more households and businesses to the national grid. Also, older transmissions infrastructure will need to be upgraded so as to improve transmission efficiency and reducing cost of electricity,” it added. As a result, the research firm is forecasting more FDI over the next five years as Myanmar pursues further development of its power infrastructure.⁵⁴

Officials from the Union of Myanmar Federation of Chambers of Commerce and Industry (“UMFCCI”) recently met with private education providers from the U.S., UK and Canada to discuss their interest in investing in the country’s education industry. Representatives from UK’s Manchester Metropolitan University were in Myanmar last month to learn more about the country’s education needs and to explore opportunities for collaboration, while business delegations from Canada met with UMFCCI in April.⁵⁵

From the 2011-2012 fiscal year to March 2019 in the 2018-2019 fiscal year, the Yangon Region saw an inflow of FDI worth over \$22 billion, accounting for about 50% of the total FDI inflows, said the Yangon Region Chief Minister Phyo Min Thein at the Yangon Investment Forum. Since its inception on July 7, 2017, the Yangon Region Investment Committee has granted permits to 161 foreign investments worth over \$294 million. From October 1, the beginning of the 2018-2019 fiscal year to April 2019, the region’s investment committee allowed 99 investments in total, of which 88 were foreign investments worth \$150.92 million.⁵⁶

B. Economic Development—Infrastructure, Major Projects

Adani, a company registered in Myanmar and incorporated in Singapore, will develop a new international port container terminal in Ahlone township on the Yangon River.⁵⁷ Adani was granted permission by the MIC in late April to develop, operate and maintain the Ahlone International Port Terminal 2 on 54 acres of land, with a 630-meter jetty owned by the Myanmar Economic Corporation. The concession period will last for an initial 50 years. “We are very hopeful container traffic in Myanmar and Yangon will increase as the economy and trade grow.

[We're] expecting Myanmar GDP to grow by 6.5 to 7 percent in the coming years," Sunil Seth, CEO of Adani Yangon International Terminal Co. Ltd., said. Adani is expected to implement the port at a total cost of \$290 million, dividing construction into two phases.

The Myanmar government plans to buy 1,000MW of electricity from a Chinese-state owned enterprise to meet an expected electricity shortage over the next two years.⁵⁸ Myanmar, which already has Southeast Asia's lowest rate of access to electricity, has recently been plagued by regular power blackouts due to water shortages at hydropower plants following severe heat across the country. Hydropower remains Myanmar's main source of electricity, followed by natural gas and coal. According to the Ministry of Electricity and Energy, the country faced a 400 MW power shortage as of April. This is expected to rise to 1,588 MW by 2020.

Over 1,300 villages in rural areas of Mandalay, Magwe, Bago, Irrawaddy and Tanintharyi regions will get access to electricity through solar power in fiscal 2019-2020 as part of the National Electrification Project.⁵⁹ Fees from villagers will cover 20% of the cost, with the rest coming from the proceeds of solar-power generation. The National Electrification Project is being implemented with support from the World Bank and aims to provide access to electricity to all households in Myanmar by 2030.

Japan's Toyota Motor Corp. will invest \$52.6 million (approximately 80 billion kyats) in a car assembly plant to be established in the Japanese-backed Thilawa Special Economic Zone in Yangon.⁶⁰ It will be the automaker's first plant in Myanmar. The plant is slated to assemble Hilux pickup trucks. Production is scheduled to begin in 2021, and the plant will produce around 2,500 vehicles per year. The plan will also provide more than 130 jobs.

Myanmar-owned KMA Hotel Group signed a Memorandum of Understanding ("MOU") with one of Thailand's largest hotel and resort operators to partner on a \$63 million (96.86 billion kyat) investment in several new and existing hotels throughout Myanmar.⁶¹ The MOU covers six separate projects: the renovation and reopening of three existing KMA-owned hotels and the construction and operation of three brand new hotels, all operating under either the upscale Centara or upper upscale Centara Boutique Collection brand.

Ongoing clashes between the Tatmadaw and the Arakan Army ("AA") have halted some road and bridge construction projects in northern Rakhine State, according to Deputy Construction Minister Kyaw Lin.⁶²

Chinese telecommunications company, Huawei, will provide surveillance cameras and other security equipment for use in Mandalay's "Safe City" plan, according to a Mandalay regional government minister.⁶³ The regional government will sign a deal with Huawei in June to establish Mandalay as a "Safe City." As part of the Safe City plan, CCTV cameras will be installed in crime-ridden parts of the city. The cameras will be equipped with artificial intelligence and facial-recognition technology, as well as alarm systems to alert the nearest police station in case of a crime. The cost is expected to be 1.9 billion kyats.

The Irrawaddy recently published an infographic covering the 80 major infrastructure projects slated for Yangon that were announced during the second Invest Myanmar Summit in January.⁶⁴

C. Land Seizures

The Tatmadaw recently defended their appropriation of land near the Patheingyi Road and Minbu-Ann Road.⁶⁵ The land is used as a firing range and, when not being used for target practice, is farmed to enable the military members to feed themselves and their families.⁶⁶ The defense minister indicated that the military is unwilling to return the land in question to its original owners as doing so would require the Tatmadaw to purchase supplies from other sources, which would cause inflation.⁶⁷

In Kachin State, five Chinese nationals were arrested and charged with encroaching on a forest reserve with their banana plantations.⁶⁸ The suspects were accused of growing bananas on 2000 hectares in the reserve, a common issue due to nearby areas being abandoned by villagers fleeing armed conflict.⁶⁹ The suspects were found in a “surprise check by [officials from] the forestry and immigration departments.”⁷⁰ A report issued this month indicated that there are “more than 100,000 acres of banana plantations in the state’s Myittha and Bhamo districts.”⁷¹ Residents face a number of issues from the illegal plantations, including “the loss of farmland, deforestation, the destruction of natural habitats, low wages for laborers, and damage to their social and economic well-being.”⁷² Additionally, there are concerns about the use of pesticides on the plantations and there are reports that nearby villagers have suffered from bleeding and fainting as a result of the pesticides.⁷³

Thirteen residents of a village in Mandalay region were arrested for allegedly participating in a protest against the Chinese operators of a coal-powered cement factory.⁷⁴ The villagers were protesting the loss of their land “when an 18-foot-wide road was built as part of the project and urged authorities to address an influx of hundreds of Chinese employees who are working at the site.”⁷⁵ Demonstrators allegedly set fire to a portion of the factory property and a number of vehicles.⁷⁶

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

The Myanmar military and Kachin Independence Organization/Kachin Independence Army (“KIO/KIA”) clashed in the second week of May in Shan State.⁷⁷

One man was killed and another wounded in separate landmine explosions in Namtu and Hsipaw townships in northern Shan State on May 20, 2019.⁷⁸ The deceased man was killed when farming on his field, which is located in a conflict zone that has seen frequent fighting between the Restoration Council of Shan State (“RCSS”) and an alliance of the Ta’ang National Liberation Army (“TNLA”) and the Shan State Progress Party (“SSPP”), according to local sources.⁷⁹ Many people in Mann San no longer dare to work in their fields out of fear of landmines.⁸⁰ A resident of Tom Kyaing village in Hsipaw Township was wounded while working on his farm on the same day.⁸¹ In 2018, of the 276 victims of landmine blasts

nationwide, 123 were involved in incidents in Shan State and 25 were killed.⁸² So far this year, 56 people in Shan State have been involved in landmine blasts, and 17 were killed.⁸³ In Kayah State, meanwhile, more than 5,000 Karen internally displaced persons in Myaing Gyi Ngu are still unable to go home despite the fact that their home villages, which they fled in 2016, are no longer affected by fighting.⁸⁴

B. Peace Talks

During a five-day summit of ethnic armed organizations in Chiang Mai, northern Thailand, the chairman of the Karen National Union (“KNU”) said that the peace process under the current National League for Democracy-led government has been derailed.⁸⁵ The KNU is a signatory to the Nationwide Ceasefire Agreement (“NCA”) and a leading stakeholder in implementing the NCA. Nearly a hundred representatives of ten ethnic armed organizations, all NCA signatories, attended the summit to find ways to overcome the current impasse in the peace process. The ethnic leaders said that implementation of the NCA alone is not enough to break the deadlock. The KNU and Restoration Council of Shan State proposed an additional agreement to “keep the peace process going beyond 2020, regardless of which party is ruling the country.”

In addition to the proposal, the summit participants discussed whether to keep the Peace Process Steering Team (“PPST”) as it is or form a new delegation.⁸⁶ The KNU submitted its withdrawal from the PPST at the summit. However, after hours of negotiation, KNU leaders said they would continue attending as part of the PPST until the summit’s completion. The KNU said that it wishes to leave the PPST because the body has not made reforms needed since 2017. Instead, the KNU suggested a new cooperation framework including ethnic armed organizations regardless of signatory status.

Members of the Northern Alliance, which consists of the Kachin Independence Army (“KIA”), Ta’ang National Liberation Army, the Myanmar National Democratic Alliance Army and the Arakan Army, submitted a ceasefire proposal to government negotiators during a meeting in northern Shan State in May.⁸⁷ A spokesman of the KIA said that aside from signing a bilateral ceasefire agreement, the group also proposed discussing the return of refugees and the NCA.

The Kayah State government and the Karenni National Progressive Party (“KNPP”) agreed to conduct regular monthly meetings to resolve issues related to regional peace and development during talks in Loikaw, the capital of Kayah State, in the presence of a Union-level delegate sent by the National Reconciliation and Peace Center (“NRPC”).⁸⁸ Talks between the parties had been suspended for about six months due to disputes about the Tatmadaw’s additional deployment of troops in Kayah State.

KNU leaders met with the Myanmar military chief, Senior General Min Aung Hlaing, in Yangon on May 11 for what a senior KNU official described as talks that were informal and personal but which nonetheless made progress toward reviving regular meetings between the two sides.⁸⁹ Until last May, the KNU and the military chief tried to maintain regular formal talks. Under the previous government, the talks were held every one or two months starting in December 2014. They have been suspended for months, however, except for a sideline meeting

in October when the military chief met with KNU leaders and Peace Process Steering Team members in the capital.

- 1 Medicins Sans Frontieres: <https://www.msf.org/bangladesh-rohingya-crisis-update-may-2019>
- 2 *Id.*
- 3 *Id.*
- 4 Reuters: <https://in.reuters.com/article/myanmar-un/people-are-dying-u-n-official-urges-aid-access-for-myanmars-rakhine-state-idINKCN1SL0H7>
- 5 *Id.*
- 6 *Id.*
- 7 United Nations: <https://news.un.org/en/story/2019/05/1038501>
- 8 *Id.*
- 9 The Irrawaddy, May 20, 2019: <https://www.irrawaddy.com/news/cooperation-lack-accountability-biggest-challenges-anti-graft-body-says-chairman.html>; <https://frontiermyanmar.net/en/we-received-threats-an-interview-with-the-anti-corruption-chief>
- 10 The Irrawaddy, May 20, 2019: <https://www.irrawaddy.com/news/cooperation-lack-accountability-biggest-challenges-anti-graft-body-says-chairman.html>.
- 11 *Id.*
- 12 The Irrawaddy, May 17, 2019: <https://www.irrawaddy.com/news/burma/one-sentenced-one-large-mandalay-corruption-case.html>
- 13 *Id.*
- 14 The Irrawaddy, May 22, 2019: <https://www.irrawaddy.com/news/burma/bank-manager-demanded-bribe-farmers-seeking-loan-access.html>
- 15 *Id.*
- 16 The Irrawaddy, May 23, 2019: <https://www.irrawaddy.com/news/burma/govt-set-ban-leasing-land-foreign-melon-growers.html>
- 17 *Id.*
- 18 The Irrawaddy, May 23, 2019: <https://www.irrawaddy.com/news/burma/union-govt-office-minister-unveils-reform-plan-gad.html>
- 19 *Id.*
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