

**STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR**

**SEPTEMBER 2019 REPORT**

**Summary.** This report reviews the September 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**

Two years after more than 700,000 Rohingya refugees fled to Bangladesh, local support for the refugees is fading, and fear and resentment of the Rohingya refugees appears to be increasing. The shift in attitude is likely because there seems to be no end in sight for the refugee crisis and refugees are being blamed for an increase in pollution and petty crime.<sup>1</sup> Recent incidents involving refugees have contributed to the growing unrest amongst local communities, and the Bangladesh government has increased the intensity of government actions in response to these incidents.<sup>2</sup> On August 22, a highly-publicized attempt by the Bangladesh government to repatriate Rohingya refugees to Myanmar was unsuccessful because the refugees refused to return on the grounds that the current conditions in Myanmar would make their return unsafe.<sup>3</sup> That same day, allegedly, Rohingya refugees killed Omar Faruk, a local politician. In response, Bangladesh police killed four Rohingya refugees said to be involved in the murder, claiming that the refugees were killed in “crossfire.”<sup>4</sup>

On August 25, the two-year anniversary of the Tatmadaw’s ethnic cleansing campaign in Rakhine State that caused the mass exodus of Rohingya refugees to Bangladesh, Rohingya refugees organized a massive demonstration in Kutupalong camp to commemorate the anniversary and to call on Myanmar to grant them a feasible path to repatriation through citizenship.<sup>5</sup> The Bangladesh government suspended three officials (including Mohammad Abul Kalam, the refugee relief and repatriation commissioner) from Cox’s Bazar for allowing the refugees to organize in such a large manner.<sup>6</sup> In addition, the Bangladesh government banned certain non-governmental aid organizations from working in the refugee camps for allegedly supporting the demonstration.<sup>7</sup>

Over the past month, the Bangladesh government has increased the military presence in the camps ostensibly to preserve law and order. However, refugees have reported that the authorities are harassing them.<sup>8</sup> The Bangladesh government has also restricted the Rohingya refugees’ freedom of movement, access to the internet and online communications.<sup>9</sup> On September 1, the Bangladesh Telecommunication Regulatory Commission (“BTRC”) ordered telecommunication operators to shut down mobile phone services in the refugee camps. The next day, the BTRC ordered mobile network operators to shut down 3G and 4G services in the refugee camps for thirteen hours each day between 5 p.m. and 6 a.m.<sup>10</sup> On September 4, Bangladesh’s Parliamentary Standing Committee on Defense recommended building a security fence around the camps in an effort to restrict refugees’ movement outside of the camps and, a few weeks later, Bangladesh announced that authorities will build barbed-wire fences around more than thirty Rohingya refugee camps near the border in order to curb their expansion.<sup>11</sup>

In Bangladesh’s annual address to the United Nations General Assembly, Bangladesh Prime Minister Sheikh Hasina implored the international community to “understand the untenability of the situation” and stated that the crisis is reaching beyond the camps and becoming a regional threat.<sup>12</sup> She said that Bangladesh will continue to work with Myanmar to encourage repatriation of the Rohingya, but noted that health and security are becoming problems as congestion and environmental problems increase.

## B. Corruption

The Ministry of Education has formed a special committee to investigate Dr. Thida Win, head of Mandalay University.<sup>13</sup> Mandalay University students complained that Dr. Thida Win failed to follow proper tender rules in awarding a contract for a campus food court.<sup>14</sup>

Dr. Aung Zaw, the general manager of state-owned pharmaceutical factory Burma Pharmaceutical Industry, has been arrested on charges of bribery.<sup>15</sup> The Anti-Corruption Commission (“ACC”) found that Dr. Aung Zaw improperly purchased raw materials by accepting materials lower in quality than the quality dictated by the tender agreement.<sup>16</sup> After the ACC failed to appear in court, a Yangon court extended Dr. Aung Zaw’s remand to October 2, 2019.<sup>17</sup>

Thant Zaw, Chief Investigator of the ACC, issued a statement responding to complaints that the ACC does not take action against those in positions of power.<sup>18</sup> Thant Zaw said that up to 75% of the complaints that the ACC receives are against the “rank and file” rather than the managers of organizations.<sup>19</sup> The ACC organized the press conference after newspaper *The Irrawaddy* asked government spokesperson Zaw Htay why there were few senior officials facing charges of corruption.<sup>20</sup>

Corruption concerns plague the Ministry of Electricity’s development of a floating power plant in Yangon.<sup>21</sup> The Ministry has faced other scandals, and some worry about the transparency of the tender process because the Ministry does not have prior experience with the forms of electricity generation being developed and did not involve international consultants before inviting tenders.<sup>22</sup>

Separately, two Ministry of Electricity directors for the Hydropower Implementation Department have been arrested for abuse of power and acceptance of bribes.<sup>23</sup> The bribes related to tender offers regarding hydropower development on the Myitnge River.<sup>24</sup> One of the directors, Chit Toe, allegedly failed to collect project delay damages that were required by contract.<sup>25</sup> Chit Toe is also alleged to have accepted 71.5 million kyat to hire certain laborers.<sup>26</sup> The other director, Min Khaing, is alleged to have asked for 31 million kyat as a “facilitating fee” for a higher contract signing price.<sup>27</sup>

Following the end of a ban on offshore fishing, some have asked authorities to crack down on illegal fishing.<sup>28</sup> Activists and politicians point toward smuggling and illegal trawling, and to higher fines levied on traditional fishers than commercial fishers.<sup>29</sup>

Ever Meter, an electricity meter supplier, has filed a complaint with the ACC with respect to the results of 2016 and 2017 tenders.<sup>30</sup> Ever Meter—which has ties to the military—held a monopoly on supplying electricity meters from 2004 to 2016.<sup>31</sup> The National League for Democracy, upon taking office, introduced a tender process in 2016.<sup>32</sup> Ever Meter then won two tenders, which were canceled, and lost a 2017 tender.<sup>33</sup> The managing director of the Electricity Supply Enterprise has explained that the first tender was canceled because it was a “one-horse race,” the second tender was canceled because there were attempts to influence the decision, and the third tender was awarded to other companies because Ever Meter’s prices were too high.<sup>34</sup>

### C. International Community / Sanctions

On September 5, the United States said it was “deeply concerned” about the Tatmadaw’s filing of a lawsuit against a religious leader who told President Donald Trump that the military oppressed Christians in the Buddhist-majority country.<sup>35</sup> The criminal complaint against Reverend Hkalam Samson “seeks to unduly limit his freedom of expression and potentially could disrupt his critical work on behalf of tens of thousands of internally displaced people,” U.S. State Department spokeswoman Morgan Ortagus said in a statement. Samson took part in a July meeting at the White House where victims of religious persecution from a number of countries met with Trump and other U.S. officials. The Tatmadaw subsequently dropped the lawsuit against Samson. *See* Section II.A.

The opposition Union Solidarity and Development Party (“USDP”) and military-appointed lawmakers raised objections to a proposal by the ruling National League for Democracy (“NLD”) to join the International Covenant on Civil and Political Rights (“ICCPR”).<sup>36</sup> The multilateral treaty commits signatories to respecting the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and the rights to due process and a fair trial. USDP and military lawmakers said that the NLD does not have the authority to submit such a proposal because the authority is reserved for the Union President under Article 209 of the 2008 Constitution. On September 12, the Pyithu Hluttaw (Lower House) rejected the proposal to sign the ICCPR.<sup>37</sup>

The City of London Corporation in the UK has suspended its 2017 honorary freedom award that was given to Myanmar State counselor Aung San Suu Kyi in May 2017 in recognition of her “non-violent struggle over many years for democracy and her steadfast dedication to creating a society where people can live in peace, security and freedom.”<sup>38</sup> The State Counselor has faced widespread criticism from the international community for not being outspoken enough for humanitarian rights following the incidents in August 2017 in Rakhine State’s Maungdaw and Buthidaung townships, which caused mass displacement of more than 700,000 Rohingya during the military’s clearance operations.<sup>39</sup> The City of London Corporation “condemned the humanitarian abuses carried out in Burma [Myanmar], and that the suspension, which is unprecedented in the City Corporation’s history, reflects its unhappiness with events in Burma and the position of the civilian government.”

The UN fact-finding mission in Myanmar said that hundreds of thousands of Rohingya Muslims who remain inside Myanmar face systematic persecution and are living under the threat of genocide.<sup>40</sup> The mission also repeated calls for the country’s top generals to face trial. Myanmar security forces are accused of killings, gang rapes and arson during a crackdown in August 2017 that drove more than 730,000 people to flee Rakhine State for neighboring Bangladesh. The crackdown followed attacks on police posts by Rohingya insurgents. Myanmar has rejected most of the accusations and dismissed a report last September by a UN-appointed panel that said military officers carried out the campaign against the Rohingya with “genocidal intent” and should stand trial.

Myanmar’s Peace Commission has said ethnic armed groups that signed the 2015 Nationwide Ceasefire Agreement may not contact the international community directly for aid donations without first getting the permission of the National Reconciliation and Peace Centre

which oversees the commission.<sup>41</sup> “We need to know when any ethnic armed organization contacts the international community, including foreign embassies, UN agencies and international NGOs, about development work in their area,” said Peace Commission Secretary Khin Zaw Oo. Khin Zaw Oo described how the government is worried that ethnic armed groups will misuse money from the international community. “For example, if the international community donates a million dollars to [ethnic armed groups], they may buy weapons with that money and they may recruit more troops with that money. The government wouldn’t know about it. If we look from the side of government, the government does not want to see this happen.” If ethnic armed groups build roads, clinics, schools, bridges and houses for local people and for local development, the government will give permission, he said.

A coalition of 16 organizations sent a joint letter to the UN Secretary-General, in which the organizations said that the UN should act to prevent future UN failures in the face of atrocities in Myanmar.<sup>42</sup> “The UN leadership promised it would never again turn a blind eye to atrocities after ignoring massive civilian deaths in Sri Lanka a decade ago, but it happened again,” said Louis Charbonneau, UN director at Human Rights Watch. “The UN leadership needs to avoid another catastrophe, including by holding officials who failed to act during Myanmar’s ethnic cleaning campaign accountable.”

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

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

According to a report by local free speech group, Athan, more than 250 people faced criminal charges for expressing their opinions on social media in the first half of the year.<sup>43</sup> Activists, students, journalists, artists and farmers who oppose the new farmland law are among those who have been threatened with legal action for expressing their opinions. The report stressed that curtailing freedom of expression, blocking the internet, banning reporters from covering news, and restricting information flow violate freedom of expression. Athan is fighting for the abolition of the sections 66(d), 68(a), 77 and 789 of the Telecommunications Law, section 8(f) of the Law Protecting the Privacy and Security of Citizens, and the Electronic Communication Law. It also seeks the repeal of sections 124(a), 505(a) and 505(b) of the Penal Code, which it says damage freedom of expression in the country.

Two nationalists who led the forced shutdown of three temporary worship sites for Muslims in Yangon’s South Dagon Township in May have been sentenced to one year in prison with labor after being convicted of incitement.<sup>44</sup> A court in South Dagon Township handed down the sentences against Michael Kyaw Myint and Thiha Myo Naing under Article 505(b) of the Penal Code for incitement to commit an offense against the state or against the public tranquility. The charge carries a maximum sentence of two years’ imprisonment, a fine, or both. The pair led a mob of around 100 Buddhist monks and nationalists to force the closures of the prayer sites on May 15. They alleged that the sites were illegal, despite the fact that the Yangon regional government had given Muslim community leaders permission to use the buildings during the Muslim holy month of Ramadan.

A Kachin rights activist found guilty of violating the Peaceful Assembly Law received an additional sentence of three months in prison for giving a set of broken scales to a judge in

Myitkyina Township Court.<sup>45</sup> Ko Paul was sentenced to 15 days imprisonment for violating Article 19 of the Peaceful Assembly Law. When the sentence was handed down, he gave Judge Than Tun a set of broken scales to show his dissatisfaction with the sentence. The judge responded by filing a lawsuit against Ko Paul for disturbing the duties of a civil servant and for insulting and disrespecting the court.

The Tatmadaw dropped a lawsuit against an ethnic Kachin religious leader, Rev. Dr. Hkalam Samson, who discussed religious freedom with U.S. President Donald Trump and asked him to support Myanmar's transition to "genuine" democracy and federalism at the White House in August.<sup>46</sup> Samson said that he welcomed the military's decision to withdraw the complaint against him. He said there had been no negotiations with the military to resolve the case. Military spokesperson Brigadier General Zaw Min Tun said that the Tatmadaw withdrew the case of its own free will, saying the decision was not due to any outside pressure.<sup>47</sup> The U.S. State Department had previously voiced concern about the lawsuit.<sup>48</sup>

A Mandalay-based army officer opened a lawsuit against the Buddhist monk Sein Ti Ta under Article 66(d) of the Telecommunications Law.<sup>49</sup> This is the second lawsuit against Sein Ti Ta filed by Lieutenant Colonel Thant Zaw Oo who has previously sued him under Article 505(b) of the Penal Code for criticizing the military on social media. The Pyigyitagon Township Court dropped the first lawsuit in July, saying it should be filed through the police with military approval. "They sued me with 505(b) and, since it didn't work, they are trying again to sue me under the Telecommunications Law. This shows the military don't want to be criticized for any reason," said Sein Ti Ta.

The Chairwoman of the Karen Women's Union, Naw Ohn Hla, has been detained under unlawful assembly charges for organizing a Karen Martyrs' Day commemoration in Yangon without permission.<sup>50</sup> Local authorities banned the use of the term "martyr" in reference to Karen revolutionary leader Saw Ba U Gyi, who was killed on August 12, 1950. His death is commemorated annually as Karen Martyrs' Day. The 69th memorial was held—under the banner of Karen Martyrs' Day—in front of city hall in Kyauktada Township this year. More than 100 people attended the event. Police from Kyauktada Township opened cases against Naw Ohn Hla and two others under Article 20 of the Peaceful Assembly and Procession Law for organizing the unauthorized event. Naw Ohn Hla and the two others, Saw Albert Cho and Sa Thein Zaw Min, also face lawsuits carrying a maximum sentence of one month in prison.<sup>51</sup>

Lieutenant Colonel Thawdar Dwe has filed a lawsuit in Mandalay against a Buddhist abbot at Mandalay's Myawaddy Mingyi Monastery for criticizing the army in the media.<sup>52</sup> "The police said they will investigate and question me under the court's instruction but they do not know which law I will be charged under," said Arriyawuntha, who is also known as Myawaddy Mingyi Sayadaw. The abbot said the lawsuit was based on his comments over 30 million kyat in donations by a senior military officer to the ultra-nationalist group Buddha-Dhamma Parahita Foundation. The comments were published online by Yangon Khit Thit in June. He called the military a robber and thief, accusing the unit responsible of not following presidential orders, bullying civilians using its weapons as power and taking seats in parliament without an election.

A court in Yangon's Taikkyi Township sentenced a former Myanmar army captain, Nay Myo Zin, to one year in prison for his critical public remarks about the military leadership in April.<sup>53</sup> He was convicted after a five-month trial of violating Article 505(a) of the Penal Code for persuading military personnel to mutiny or neglect their duties. Article 505(a) carries a sentence of up to two years of imprisonment.

An MP in the Phyithu Hluttaw (Lower House) filed a defamation lawsuit against an official in Tada-U Township in Mandalay Region for a social media post that she claimed had damaged her reputation.<sup>54</sup> MP Soe Nwe Aye filed the case on September 8 under Section 66(d) of the Telecommunications Law against Facebook user Saw Saw, which is allegedly the username of Ba Hein Tin, a member of the Tada-U Development Committee.

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

Former information minister Ye Htut said that he is shocked to see the current government's icy relationship with private media and that the state-run media remain unchanged under current Information Minister Pe Myint.<sup>55</sup> "I personally thought the [government's] relationship with the media would be better under Sayar Pe Myint's tenure and that the role of the state-run media would be reduced, as he was the one who once said state-run newspapers should not exist," said Ye Htut. He said that in contrast, the government's relationship with the media has declined in the past few years while state-run media have grown stronger under the National League for Democracy administration. He added that seeing this gave him "such a shock that I almost died."

An information officer at the National League for Democracy's Mandalay Region office filed a complaint under Article 66(d) of the Telecommunications Law against two men over a Facebook page for defaming the regional chief minister with memes.<sup>56</sup> "At the instruction of the party, I filed a complaint on behalf of the chief minister, asking the police to take legal action against ridiculous captions on the chief minister's pictures to defame him, creating misunderstanding among the people," said Ko Ponya Swe of the NLD's regional office. The two Facebook users run the "We Love Dauk Zaw" page, which uses pictures of Zaw Myint Maung for satirical purposes, according to the police.<sup>57</sup>

The NLD filed a complaint against a cartoonist, Naing Zaw Oo (aka "Ahtee"), under Article 66(d) of the Telecommunications Law for allegedly defaming the township electoral committee and the party itself.<sup>58</sup> The cartoonist shared a post criticizing what he said were some shortcomings of the NLD branch with the heading, "False image of NLD's Maubin chapter."

The district court of Mandalay decided that the lawsuit facing a Myanmar Now editor for allegedly defaming the ultranationalist monk Wirathu should be heard again.<sup>59</sup> "The district court decided that the decision of Maha Aung Myay Township Court is inappropriate and that it must rehear the lawsuit by calling the plaintiff's remaining witnesses to the court," said Zaw Weik, lawyer for the plaintiff. The court had dropped the lawsuit because the plaintiff's witnesses failed to attend court over 20 times.

### **III. Economic Development**

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

According to Thant Sin Lwin, director of the Myanmar Investment Commission (“MIC”), Myanmar is likely to fall short of its foreign investment target in the 2018-19 fiscal year.<sup>60</sup> Myanmar has so far only received \$4.1 billion (6.29 trillion kyat) of inbound foreign investment in the current fiscal year, which ends on September 30. Some foreign investors have inquired about the potential to invest in the infrastructure, electricity and energy sectors, which require substantial investment. Discussions are ongoing but the potential investment in the next two weeks will likely not make up for the current deficit.

Myanmar and South Korea signed five memoranda of understanding (“MOUs”) on financial, trade and investment cooperation as well as infrastructure projects at the Myanmar-Korea Business Forum on September 5.<sup>61</sup> Held in Myanmar’s commercial capital, Yangon, the forum was attended by South Korean President Moon Jae-in on the second day of his three-day visit to Myanmar. Moon is promoting his “New Southern Policy” to deepen relations, including economic ties, with Southeast Asian nations. Following a meeting with the Myanmar State counselor, Moon pledged to accelerate Korea’s economic presence and to cooperate on development in Myanmar.<sup>62</sup> According to the Ministry of Information, the Yangon regional government and KB Kookmin Bank—one of South Korea’s four largest banks—signed an MOU on financial cooperation in the real estate sector. The Korean bank will provide the regional government with financial support to construct affordable housing, according to the agreement. The regional government signed another MOU with the Korean government-owned Korea Land and Housing Corporation to conduct a preliminary survey for the Dala New City Project, located in an undeveloped township in Yangon. Meanwhile, South Korea is also helping to build the Korea-Myanmar Friendship Bridge, which will link downtown Yangon to Dala Township on the opposite bank of the Yangon River. The Union of Myanmar Federation of Chambers of Commerce and Industry also inked MOUs with the Korea International Trade Association and Woori Financial Group, agreeing to cooperate on economic development, capacity building programs, trade promotion, exchange of economic information and arranging regular business meetups between the two countries. Additionally, SME-Development Bank signed an MOU with Industrial Bank of Korea to collaborate on capacity building and technical issues, and to share investment information between the two banks.

National League for Democracy lawmaker Yan Lin will submit to the Lower House of Myanmar’s national legislature a proposal to amend the country’s antinarcotics law to allow the legal cultivation of hemp, which is treated as marijuana under existing laws.<sup>63</sup> Officials of the Home Affairs Ministry, Union Attorney-General’s Office, the parliamentary Agriculture and Farmers’ Affairs and Public Affairs Management committees, and the Public Health Department met on August 29 to discuss the legal status of hemp cultivation in Myanmar. No objection was raised to hemp cultivation, but officials of the Home Affairs Ministry and the Union Attorney-General’s Office suggested that research be conducted before legal cultivation of hemp is allowed.

Myanmar signed an agreement with Singapore to promote and protect investment between the two countries, paving the way to boost trade relations.<sup>64</sup> As of February, Singapore



is Myanmar's largest source of foreign investment. Singapore has invested more than \$22 billion (33.6 trillion kyat), nearly 30% of total foreign investment in Myanmar, according to August 2019 data from Myanmar's Directorate of Investment and Company Administration ("DICA"). The agreement was signed by Ministry of Investment and Foreign Economic Relations head Thaug Tun and Singapore's Minister for Trade and Industry Chan Chun Sing in Yangon at the 7th Joint Committee of Myanmar-Singapore Ministerial Meeting.

Amid the Myanmar government's efforts to reach the top 100 of the World Bank's ease-of-doing-business index 2020, the World Bank listed the country among the top 20 most-improved countries.<sup>65</sup> "Myanmar implemented five initiatives that enhanced its business environment," the World Bank said. The initiatives include launching an online company registration platform to cut the need for official meetings. It has also made property registration faster by streamlining deed registration and appraisal, according to the World Bank. However, Myanmar showed no improvement in its overall ranking in the World Bank's 2019 ease-of-doing-business index, retaining the No. 171 spot it held last year and remaining the least favorable ASEAN member in which to conduct business.

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

On September 9, Myanmar Investment Commission Director Thant Sin Lwin announced that the Korea-Myanmar joint industrial complex is scheduled to begin construction this year. The Korea-Myanmar Industrial Complex Development Co., a 40-40-20 joint venture between Myanmar's Ministry of Construction, the Korea Land and Housing Corporation and Global Sae-A Co Ltd, is the first of its kind in economic cooperation between the Korean and Myanmar governments. The project—which will be implemented in two phases, from 2019 to 2021 and from 2022 to 2024—will include garment, textile, construction, telecommunications and other manufacturing factories, and around 200 Korean companies are expected to invest.<sup>66</sup>

The widening of a road through ethnic Karen territory in southeast Myanmar has come under scrutiny for breach of the country's ceasefire agreement, contributing to renewed fighting and possibly implicating government institutions. There are also concerns surrounding the funding of the project and the delegation of the project's implementation to the military.<sup>67</sup>

In India, the integrated check-post at the Moreh (Manipur) border with Myanmar is ready for operations after five years, and the facility will be handed over to the Land Ports Authority of India in the next couple of weeks.<sup>68</sup>

It was announced on September 17 that Japan's Sumitomo Corporation will replace China's Sino Great Wall Co., which has gone bankrupt in the midst of the US-China trade wars, in the project to upgrade Yangon Central Railway Station. The development, announced in 2015, will be a mixed-development project with a central transport hub that integrates rail and mass transit, surrounded by housing and businesses on 25.7 hectares with a floor area of 1.09 million square meters. The Central Transport Development Consortium, which included Myanmar's Min Dharma Co., China's Sino Great Wall and Singapore-based property developer Oxley Holdings Limited, was selected as the preferred bidder for the project in 2018.<sup>69</sup>

The New Yangon City Project, an ambitious plan by the Yangon Chief Minister to transform the less-developed and low-lying western bank of the Yangon River across from the commercial capital into a “Smart City”, has received criticism from industry experts and various government officials for the lack of details surrounding the funding and planning of the project. In particular, the targeted area is particularly prone to floods, and questions are being raised regarding consideration of prevention plans and related funding.<sup>70</sup>

China has launched a public-relations drive along the route of the proposed Chinese twin oil and natural gas pipeline project, which has been rife with controversy and opposition since 2013. The project consists of oil and natural gas pipelines running in parallel from the port of Kyaukphyu in Rakhine State on the Bay of Bengal through Magwe and Mandalay regions and northern Shan State before entering China, spanning 77 kilometers in Myanmar and designed to transport 22 million tons annually and carry 12 billion cubic meters of gas.<sup>71</sup>

Industry experts are concerned about the Ministry of Electricity and Energy’s plan to produce electricity with gas and liquefied natural gas via a floating power plant to meet the rising demand in Yangon. The ministry invited international bids for this 1,040-megawatt project in June, stating that these are only emergency projects to meet electricity demand in the short-term. However, the project has been criticized for high costs, its feasibility and the corruption scandals surrounding the ministry.<sup>72</sup>

### **C. Land Seizure**

In Magway Region, farmers protested “alleged failures by authorities in correctly offering compensation for land seized decades ago.”<sup>73</sup> Approximately sixty farmers took part in the protests outside the Township Land Records Office.<sup>74</sup> The work on the related oilfields, which ultimately led to the protests, started in 1969.<sup>75</sup> Under a law enacted in 2012, the farmers were given the right to reclaim their confiscated land.<sup>76</sup> About 800 farmers were compensated pursuant to this law, but allegedly 100 rightful owners were not included on the list of farmers to be compensated.<sup>77</sup>

Police arrested 9 of 21 local farmers accused of trespassing in Kayah State.<sup>78</sup> As of the end of August 2019, the remaining 12 farmers “remain[ed] at large,” although arrest warrants have been issued.<sup>79</sup> The farmers were accused of “destroying public property and trespassing” during earlier protests against alleged land confiscation.<sup>80</sup>

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

### **A. Ethnic Violence**

By early September, more than 1,600 people remain displaced in northern Shan State following an upsurge in violence in August when three members of the Northern Alliance attacked strategic military sites in Mandalay Region and northern Shan State.<sup>81</sup> More than 1,500 of those displaced people are in Kutkai Township, where clashes have been fierce, including heavy artillery attacks, explosive devices and general banditry on the roads.<sup>82</sup>

The Tatmadaw sent a convoy of military vehicles into Kachin State capital Myitkyina on September 9 during a gathering of a group of Kachin activists.<sup>83</sup> The action was seen as a threat to the peace process by the activists.<sup>84</sup>

In early to mid-September, there was a decline in the number of battles between the Tatmadaw and the Brotherhood Alliance, though clashes were reported in Kyaukme and Namhsan townships in Shan State between the military and the Ta'ang National Liberation Army ("TNLA").<sup>85</sup> Another member of the alliance, the Arakan Army ("AA"), continues to clash with the military in townships across northern Rakhine State.<sup>86</sup> As battles between the military and ethnic armed organizations continue, several hundred youths in Kachin State staged a protest calling for an end to the many conflicts in the country.<sup>87</sup>

Clashes between the TNLA and the Restoration Council of Shan State/Shan State Army-South ("RCSS/SSA-S"), a Shan ethnic armed organization that has signed the Nationwide Ceasefire Agreement, were also reported in northern Shan State.<sup>88</sup>

## **B. Peace Talks**

The government's National Reconciliation and Peace Centre ("NRPC") is planning to form a Peace Secretariat team to negotiate with both signatory and non-signatory ethnic armed organizations to the Nationwide Ceasefire Agreement.<sup>89</sup> Currently, the NRPC's Peace Commission leads all peace process negotiations. The proposed Peace Secretariat would be comprised of experts and civil servants.

The Karen National Union ("KNU") met with the NRPC in Yangon on September 7 to discuss the peace process.<sup>90</sup> The KNU had suspended its participation in the peace process last November due to its frustration over the slow pace of negotiations. As a result of the informal meeting, the KNU and the NRPC agreed to hold a formal meeting in the near future.<sup>91</sup>

The Northern Alliance and government peace negotiators were unable to reach an agreement to end the fighting in northern Shan State at last month's meeting in Keng Tung, according to a leader from the group of ethnic armed organizations.<sup>92</sup> Leaders of the four members, the Kachin Independence Army, the TNLA, AA and Myanmar National Democratic Alliance Army ("MNDAA"), met with officials from the National Reconciliation and Peace Centre ("NRPC") in Keng Tung, eastern Shan State, amid an escalation in the fighting in northern Shan State and Rakhine State.<sup>93</sup> "We asked them to halt their military offensives in ethnic areas including [those of the] Arakan, Ta'ang and Kokang. This is the first point. Secondly, we asked them to stop shelling civilian targets, and to stop murdering and torturing civilians. Thirdly, we asked them to start real peace talks," said Brigadier-General Tar Phone Kyaw of the TNLA. President's Office spokesman Zaw Htay said at a press conference after the meeting in Keng Tung that a deadly mortar attack that killed five civilians in their homes, including a toddler, in northern Shan State on the day of the peace talks was discussed at the meeting. Three other people were wounded in the attack in Kutkai Township.

In early September, three ethnic armed groups, the TNLA, AA and MNDAA, announced that they would cease offensive action in northern Shan State for one month to support peace building efforts in the country.<sup>94</sup> However, the armed groups, who refer to themselves as the

Brotherhood Alliance, will continue defensive activities.<sup>95</sup> In a statement, the three groups said their decision is aimed to facilitate national reconciliation and the peace process and to completely resolve the country's long-running armed conflicts through political dialogue.<sup>96</sup>

On September 17, the Myanmar government and military officials from the NRPC and the Northern Alliance met in Kengtung, eastern Shan State to hold talks aimed at reaching bilateral ceasefire agreements.<sup>97</sup> The presence of the military officials raised hopes that the current military tensions in western and northeast Myanmar could be reduced.<sup>98</sup> The move also satisfies the ethnic armed groups' demand that someone with the authority to make decisions that could lead to a de-escalation of military tensions be present at the talks. The parties agreed in principle on seven points of a draft bilateral ceasefire.<sup>99</sup> The draft includes commitments to end the current fighting, plans for further bilateral ceasefire negotiations and pledges from all groups to cooperate on the rehabilitation and return of displaced people to their homes. Negotiators from both sides agreed to further talks to agree on reductions to troop deployments and codes of conduct to avoid further clashes. The negotiators also agreed that each group, including the Myanmar military, would stop their troops from engaging in further clashes in Rakhine and Shan States, in order to open communication and negotiation channels. The groups also committed to continue dialogue and to build trust by avoiding arrests and legal action related to the conflicts.

On September 20, the Brotherhood Alliance extended its unilateral ceasefire until the end of the year.<sup>100</sup> However, the three allied groups launched artillery attacks on a military headquarters in Rakhine State's Buthidaung Township within hours of declaring the unilateral ceasefire. The Tatmadaw condemned the attack and decided not to extend its own unilateral ceasefire in Kachin and Shan States, saying the Brotherhood Alliance do not seem to be interested in signing the Nationwide Ceasefire Agreement.<sup>101</sup>

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