

Burma Projects Quarterly

Policy Focus: 'Burma's Ongoing Reforms and Challenges'
(Volume 1, Issue 4) (April – September 2012)



The Burma Projects Quarterly is designed to provide up to date information about projects and activities being implemented by civil society organizations in Burma and on the Thai-Burma border for European policy makers and decision makers dealing with Burma.

Overview of the Last Six Months in Burma April 2012 – September 2012

A number of significant events have occurred in Burma since April 2012. First of all, the April 1st by-elections were deemed free and fair by the international community. Aung San Suu Kyi and the National League for Democracy (NLD), which was an unregistered, illegal political party until last November, won 43 out of 45 seats in the Parliament. Although some problems emerged over the oath of office for MPs, all of the newly elected politicians assumed their seats in Parliament.

After spending most of the last 20 years under house arrest, Aung San Suu Kyi left the country to visit Europe and received her Nobel Prize from 1991 and an honorary doctorate from Oxford University.

President Thein Sein's administration has continued to promote further political and economical reforms. Proof of the reform agenda can be seen in the steps taken to abolish the direct media censorship and the progress made in creating a new investment law over the last few months. In response to the liberalizing shift and continuing reforms in Burma, the U.S., European union (EU) and other countries have loosened, suspended and/or lifted a range of sanctions imposed against Burmese regime over the last two decades. Yet some organizations, especially human rights groups, have continued to warn that although the transition to democracy seems to be on the right track, it is still incomplete and there are ample reasons to remain cautious. Nevertheless, foreign investors have started to show a keen interest in entering the Burmese market.

Another major concern has been the outbreak of ethnic clashes between Rohingya Muslims and Arakan Buddhists in Rakhine State, which has already cost many lives and highlighted how ethnic issues are the most serious threat to the country's future stability. The Rohingya issue has cast a spotlight on the lingering racism and chauvinism in the country common among Buddhists towards non-Buddhists, as well as why the Rohingyas and a number of other ethnic groups in the country don't believe that the current government has their best interests at heart and more than the former military junta. Even Aung San Suu Kyi and the NLD have struggled to find a way to address this issue, while the military and the current government have been able to use the clashes to portray themselves as the defenders of the Buddhist faith.

There have also been reports of continuing serious human rights violations being perpetrated by the Burma Army through the country, especially in Kachin State and Shan State. The ongoing violence in ethnic areas includes documented cases of sexual violence, displacement, forced labour and other various abuses. Conflicts and violence often seems to be related to natural resource deposits and huge infrastructure projects, such as building dams and pipelines. Infighting, ethnic clashes and human rights violation have already displaced thousands of people inside the country pointing out that the country still has a long way to go before peace and democracy are firmly established.

Human Rights Violations in Kachin State

The United Nationalities Federal Council (UNFC), established in 2011, represents several ethnic groups in Burma.

Serious human rights violations against the Kachin people have been perpetrated by the Burma Army (also known as Tatmadaw) since the regime launched a new offensive against the Kachin Independence Army (KIA) on 9 June 2011 ending 17 years of ceasefire. According to the Altsean report, fighting has intensified between with KIA the army, which has deployed almost a quarter of its battalions to Kachin State over the last year. The reported human right abuses taking place in Kachin and northern Shan State have included extrajudicial killings, sexual violence, arbitrary arrests, the use of human shields, torture, forced labour, portering and displacement, and the widespread destruction and confiscation of property. The ongoing conflict has already displaced about 75 000 people from the affected areas. Some of those have been displaced forcibly as the Burma Army's razed their homes or because of the laying of landmines around their property. According to a Human Rights Watch report at least 7 000 – 10 000 of the displaced people have sought refuge across the border in Yunnan Province in southwestern China. Some were put at even greater risk after they were denied entry into China or forcibly returned to Burma. According to United Nationalities Federal Council's statement the objective of the Burma Army's offensives in the area are intended to protect foreign investments' mega business projects.

The regime and KIO, the political wing of the KIA, failed to arrange a meeting in July due to disagreements over a suitable location. Tatmadaw troops have also launched a significant offensive against the Shan State Army-North (SSA-N) and Shan State Army-South (SSA-S) in July and June 2012.

Links:

- Briefer: the war in Kachin State: A year of more displacement and human right abuses (Altsean, June 2012) <http://www.altsean.org/Reports%20Categories/By%20Publication/ThematicBriefers.php>
- Ongoing Imunity. Continued Burma Army atrocities against the Kachin people (Kachin Women's Association Thailand, June 2012) http://www.kachinwomen.com/images/stories/publication/ongoing_iimpunity%20.pdf
- The report on Kachin refugees that have fled war and abuses in Burma since June 2011 (Human Rights Watch, June 2012) <http://www.hrw.org/reports/2012/06/25/isolated-yunnan>
- Briefing Note: UNHCR reaches Kachins sent back from China (UNHCR, September 2012) <http://www.unhcr.org/5049cdba9.html>

Ethnic clashes in Arakan State

United to End Genocide is an American organization working to raise awareness and end genocide worldwide. Physicians for Human Rights is an organization that uses medicine and science to stop mass atrocities and human rights violations around the globe.

Widespread ethnic clashes have been reported on the escalating sectarian violence between Rohingya Muslims (as well a non-Rohingya Muslims) and Arakan Buddhists since June 2012. The sectarian violence flared after inaccurate information about an Arakan woman being raped and killed by three Muslims became public. In response to this, a large group of Arakan Buddhists in Toungop (Taunggoat) attacked a bus and brutally killed 10 Muslims on board. There is evidence that soldiers and police didn't step in to put a stop to the violence even though they witnessed the violence erupt. In June, serious riots and deadly violence took place in Maungdaw, Buthidaung, Pauktaw, and the

Rakhine State capital Sittwe. Acts of violence have been committed by both communities. President Thein Sein has imposed a state of emergency in Rakhine State so that the army could take control. State security forces are believed to have been involved directly in accompanying abuses though only against the Rohingya. According to a Human Rights Watch report, humanitarian access to some areas has been extremely limited, especially in the northern parts of Rakhine State.

The Rohingya population's lack of legal status in Burma has contributed to the frequent conflicts between them and Arakan people. The Rohingya became "stateless" people after the passage of the 1982 Citizenship Law, which rendered the majority of them illegal immigrants even though many have been living within Burma for several generations.

Links:

- "The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan State (Human Rights Watch, August 2012)
<http://www.hrw.org/sites/default/files/reports/burma0812webwcover.pdf>
- Unrest in Burma's Arakan State: A chronology of events (Altsean, June 2012)
<http://www.altsean.org/Docs/PDF%20Format/Thematic%20Briefers/Unrest%20in%20Burmas%20Arakan%20State%20-%20A%20chronology%20of%20events.pdf>
- The Government of the Republic of the Union of Myanmar - Ministry of Foreign Affairs of - Press release (August 2012)
http://www.mofa.gov.mm/pressrelease/Press_Release_Rakhine_State_Affairs_Webversion%2821-08-12%29.pdf
- Myanmar – Displacement in Rakhine State, Situation Report No.8 (UN OCHA, September 2012)
http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Situation%20Report%208_Rakhine_FINA_L.pdf

Increasing inflow of business opportunities in Burma

The Ta'ang Students and Youth Organization (TSYO) is working for peace, justice and equality to build a democratic country and improve the lives of Ta'ang students, youth, and Ta'ang people.

According to various reports there continue to be significant risks associated with doing business in Burma. Despite the free and fair by-elections, investors' risks remain high in Burma, according to a report by the Conflict Risk Network (CRN), a project organized by United to End Genocide, which was released in April 2012. Even though some of the business projects have been able to advance economic growth and/or create job opportunities, according to the report specific industrial projects and corporate activities have the potential to fuel conflict in the country and worsen human rights violations in area where oil, gas, hydropower and mineral resources in the ethnic minority areas. Although foreign investment has already greatly increased over the last year, investors should remain cautious, since Burma continues to be politically unstable and the country's transition is incomplete. High risk sectors include the information and communication technology sector; mining, oil and gas industries and hydropower. Hydropower dam projects (such as Hatgyi Dam, Tasang Dam and the suspended Myitsone Dam), as well as the construction of gas and oil pipelines to China have been linked with human rights violations in highly unstable and militarized areas. According to Ta'ang students and Youth Organization's (TSYO) report from May 2012 the Chinese companies are paying 5,000 kyat per day to Burma Army soldiers for protection of pipelines construction in Namtu and Nam Kham. In addition, huge land confiscations, displacement and environmental degradation have been reported. In spite of these concerns, the U.S. and EU and other countries have already relaxed sanctions and restrictions and started to encourage investment in the country in response to the

ongoing democratic changes taking place. Foreign investors have focused on penetrating Burma's market as a way of encouraging economic growth and increasing transparency, but neither goal may be easy to achieve. In early September, Burma's parliament passed a long-delayed foreign investment law handing it over to President Thein Sein, who returned the bill for further changes.

Links:

- Not Open for Business (United to End Genocide, April 2012)
<http://endgenocide.org/images/uploads/downloads/burma-not-open-for-business.pdf>
- Catalyst for Conflicts (Ta'ang students and Youth Organization, May 2012 May 2012)
<http://www.burmapartnership.org/wp-content/uploads/2012/05/Catalyst-for-Conflict.pdf>
- U.S. Department of the Treasury: Burma Sanctions
<http://www.treasury.gov/resource-center/sanctions/Programs/Pages/burma.aspx>

Torture and ill treatment continue in Burma

The Network for Human Rights Documentation – Burma was formed in 2004 as a way of helping cross border human rights organizations to collaborate on documenting human rights abuses taking place inside the country.

In May 2012, the Network for Human Rights Documentation – Burma (ND – Burma) released a report that documents ongoing cases of torture and ill treatment being committed by the government of Burma against its own people. It is based on interviews and data gathered from January to December 2011. The report emphasizes the lack of domestic legislation prohibiting torture and criticizes the attitude of the Burmese judiciary for its unwillingness to discourage violations of human rights by pushing for punishments for those responsible. Based on gathered data, 371 human rights violations were documented during 2011, including 83 cases of ill treatment or torture. According to the report, torture and ill treatment are perpetrated in two different ways. Firstly, abuses have been committed against political prisoners in detention centers mainly during interrogations. Abused have also been documented in military occupied ethnic minority regions. The worst situations were reported to be in Shan State and Kachin State. Contradictions remain among the assessments of the work of the Myanmar National Human Rights Commission (MNHRC). While the ND Burma sees the MNHRC as ineffective, the UN Special Rapporteur for Myanmar Tomás Ojea Quintana's press release from August the Commission has generally continued to undertake important activities. There are ongoing concerns about the treatment of prisoners, but the release of over 700 political prisoners has been seen as further proof of the government's commitment to democratic reforms. However, the outbreak of violence in Rakhine State and the ongoing conflict in Kachin State could likely prove that serious human rights concerns have not stopped and that the government will need to take a more active role in put an end to such violations.

Links:

- Extreme Measures: Torture and Ill Treatment in Burma since the 2010 Elections (ND – Burma, May 2012)
<http://www.nd-burma.org/reports/item/94-extreme-measures-torture-and-ill-treatment-in-burma-since-the-2010-elections.html>
- Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar (OHCHR, August 2012)
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12405&LangID=E>
- Burma: Allow Torture Victim Medical Treatment and Prosecute Security Forces Responsible for Torture (ND-Burma, July 2012)
<http://www.nd-burma.org/about-us/press-releases/757-burma-allow-torture-victim-medical-treatment-and-prosecute-security-forces-responsible-for-torture.html>

Reforms after By - Elections

The International Crisis Group, founded in 1995, is a non-governmental organisation dedicated to preventing and resolving deadly conflict.

Since the 2010 elections, Burma's government under the leadership of president Thein Sein has announced a number of political, economical and human rights reforms intended to end the country's long-lasting international isolation. Though questions of whether the regime's reform efforts remain, there is a growing consensus that believes that the implemented changes are genuine and becoming harder to reverse. One of the most significant reforms has been the relaxing of media control, including the ending of direct media censorship, though it doesn't mean that it has censorship has been fully abolished yet. After about half a century, journalists are no longer required to submit their work to the censors, the Press Scrutiny and Registration Board, before publication. Since August 20th they have only been required to submit their work for archival purposes, which many see as just another way to insure that journalists know their limits. Repressive media laws were not abolished and according to Burma Partnership the journalist are newly required to abide by ethical guidelines that prevent them from criticizing the state as some topics are still considered to be sensitive. Among other reforms worth mentioning are the anticipated foreign investment law, a new Environmental Law, a new set of laws dealing with the NGO sector and the long awaited media reform.

Links:

- Myanmar: The Politics of Economic Reform (International Crisis Group, July 2012)
<http://www.crisisgroup.org/~media/Files/asia/south-east-asia/burma-myanmar/231-myanmar-the-politics-of-economic-reform>
- Burma Ends Pre-Publication Check, Not Censorship (Burma Partnership, August 2012)
<http://www.burmapartnership.org/2012/08/burma-ends-pre-publication-check-not-censorship/>
- Reporters Without Borders (August 2012)
<http://en.rsf.org/burma-censorship-board-back-in-action-03-08-2012,43164.html>

ADDITIONAL NOTEWORTHY REPORTS RELEASED BETWEEN APRIL – SEPTEMBER 2012

- Bitter Wounds and Lost Dreams: Human Rights Under Assault In Karen State, Burma (Physicians for Human Rights, August 2012)
<http://physiciansforhumanrights.org/library/reports/bitter-wounds-and-lost-dreams.html>
- Not open for business – despite elections, investor risk remains high in Burma (United to End Genocide, April 2012)
<http://endgenocide.org/images/uploads/downloads/burma-not-open-for-business.pdf>
- Threats to Our Existence (Chin Human Rights Organization, September 2012)
<http://kanglaonline.com/mixedbag/threats-to-our-existence-chin-human-rights-organization/>
- Ad Hoc and Inadequate (Human Rights Watch, September 2012)
<http://www.hrw.org/sites/default/files/reports/thailand0912.pdf>
- Karen Community Based Organizations' Position on Refugees' Return to Burma (Karen Community Based Organizations, September 2012)
<http://www.burmapartnership.org/wp-content/uploads/2012/09/KCBOs-Position-On-Refugees-Return-Sept-2012.pdf>
- 'Threats to Our Existence': Prosecution of Ethnic Chin Christians in Burma (Chin Human Rights Organization, September 2012)
http://www.chro.ca/images/stories/files/PDF/Threats_to_Our_Existence.pdf
- Myanmar in Transition: Opportunities and Challenges (Asian Development Bank, August 2012)
<http://www.burmapartnership.org/wp-content/uploads/2012/08/myanmar-in-transition.pdf>