

MYANMAR *weekly* UPDATE

21-27 January 2021

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A Reluctant Repatriation?

Any refugee returns this year will be due to deteriorating conditions in Bangladesh, not improved conditions in Myanmar. p.2

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IN FOCUS

Following a 19 January trilateral online meeting between Myanmar, Bangladesh and China, Myanmar and Bangladesh have announced that another attempt to repatriate Rohingya refugees will occur in June this year. Although Rohingya groups have consistently resisted returns in the absence of improved conditions in Myanmar, a combination of factors in Bangladesh are weakening the refugees' position and resolve, while governments see opportunities to restart the bilateral process.

Approximately one million Rohingya refugees live in Bangladesh, a result of numerous rounds of displacement and return. A repatriation attempt this year would be the third attempt at repatriation since violence in Rakhine State forced some 740,000 people to flee Myanmar in 2017.

Failed attempts

Myanmar and Bangladesh signed a bilateral agreement in late 2017 to facilitate the return of the refugees, but attempts to implement the agreement in November 2018 and August 2019 fell flat. In November 2018, Bangladesh conceded no refugees were willing to return to Myanmar. Then, during protests in the sprawling refugee camps, refugees made demands on Myanmar and cited the absence of conducive conditions for return.

In August 2019, again, not a single person boarded the buses hired to ferry refugees to the Myanmar border. On that occasion, however, Myanmar alleged that Bangladesh had deliberately breached previously agreed-upon procedures by failing to distribute forms to the refugees, thereby undermining the process. At any rate, the small numbers of people who have returned to Myanmar since displacement reflect the huge hesitations among the refugee community.

The environment and the economy

Following the crisis and displacement of 2017, the government and people of Bangladesh showed immense generosity in sheltering those fleeing Myanmar. But the mammoth impact on the environment and economy since has driven domestic pressure on the Bangladesh government to expedite returns.

The sudden presence of hundreds of thousands of new people undermined host communities' livelihood options, and a lively anti-refugee and anti-international agency movement has emerged. The crisis has also resulted in intense environmental destruction. Approximately 8,000 acres of forest was cleared to make space for the refugee camps, threatening many species' habitats. With their usual stomping ground absent, elephants often roam into camps, destroying shelters and sometimes taking lives.

Bangladesh has thereby sought to relieve the environmental and economic strain by relocating refugees to Bhasan Char island, where it has built accommodation to house some 100,000 people. Bangladeshi authorities have said they are planning to relocate another group of 2,000 Rohingya refugees to Bhasan Char island before the end of this month, where they will join a group of more than 3,000.

Insecurity on display

A key factor that camp residents say is driving an appetite for relocations to Bhasan Char and returns to Myanmar is the growing insecurity in the camps in Myanmar. In September and October 2020, competition between armed groups operating at the interface between crime and politics erupted into gunfights, killing at least seven people and injuring others. The gangs are thought to be involved in the smuggling of illicit drugs across the border from Myanmar, and use the camps as a transit point.

Earlier this month, camp residents went online to blame the Arakan Rohingya Salvation Army for a fire which **destroyed multiple shelters and UNICEF schools**. Some community members suggest that the Bangladesh government turns a blind eye to the violence, in order to encourage returns to Myanmar. If that is the objective, contacts in the camps say it is working.

Return of the Hindus?

One issue of particular contention regarding the returns process is the estimated 444 Hindu refugees who were displaced from Myanmar into Bangladesh in 2017. Myanmar has continually raised the issue of the Hindu group, and again called for their repatriation during the trilateral call on 19 January. Hindu civil society groups in Rakhine State and Yangon have said the group **wishes to return to Myanmar**, and have similarly called for Bangladesh to facilitate their return. Policy makers in Bangladesh, however, may be concerned that Myanmar might lose interest in the return of the remaining Rohingya refugees if the return of the Hindu group is first secured.

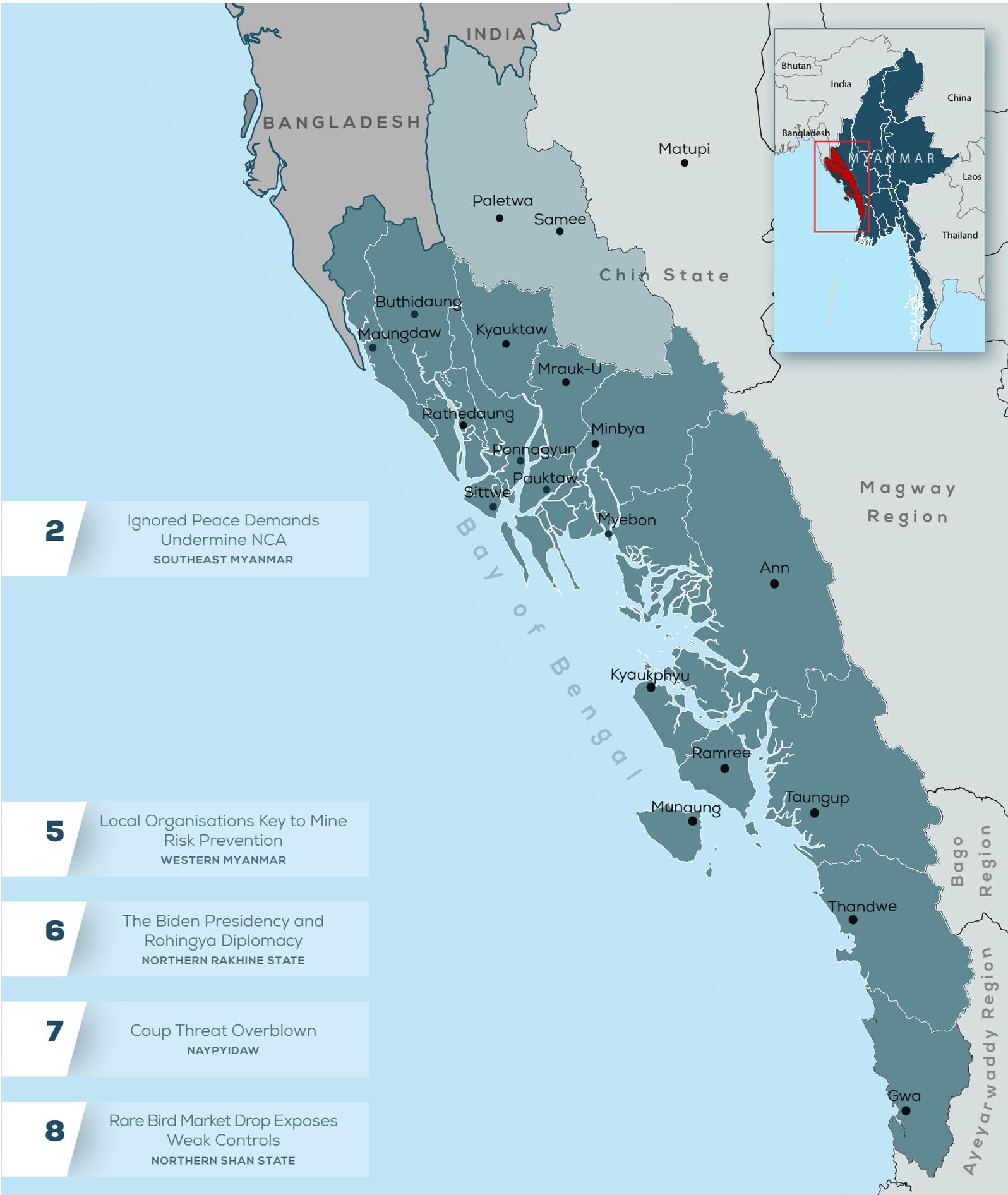
The position of the Hindu group has become highly politicised, drawing attention away from the wishes of this community themselves, and the principle of voluntary repatriation. As rights groups note, the decision on repatriation should be up to the refugees themselves, not the two governments. If the refugees do wish to return, the repatriation of the group may represent a much-needed confidence building measure to improve the dialogue regarding returns.

Improving bilateral ties?

Despite a difficult bilateral relationship regarding repatriation, the Bangladesh government has negotiated a deal to **buy 100,000 tons of rice** from Myanmar. Prompted by a shortage of the staple food among the country's 160 million people, economically-driven engagement should be taken as a positive step towards the gradual normalisation of ties between the two countries, an essential trust-building step for Rohingya repatriation expected for June.

What to expect

This combination of factors suggests that returns are more likely now than they have been since displacement in 2017. The capacity is not in place for Myanmar to receive mass numbers of returns, but returns in the thousands may be expected. This would then form a precedent for ongoing returns. While international agencies in Myanmar are less likely to become involved in a response for returnees in northern Rakhine State, agencies should engage the government to ensure that those who do return are allowed to settle on their original land, are allowed freedom of movement, and are able to access basic service provided by the state. //



1 Northern Rakhine Security Still Shaky

MAUNGDAW TOWNSHIP, RAKHINE STATE

In conjunction with the ongoing securitisation of Maungdaw Township, insecurity and crime continue to have the potential to negatively impact social cohesion dynamics between communities.

While discussions on the return of Rohingya from Bangladesh continue, the Tatmadaw Information Team has **reported** that Myanmar security forces fired upon two men attempting to informally cross the Myanmar-Bangladesh border fence into Myanmar on the evening of 22 January. One man fled back into Bangladesh, while security forces arrested the other and will take legal action. Just one day previous, in southern Maungdaw Township, an unidentified armed group of Muslims briefly **detained and assaulted** two Rakhine men near Aung Thu Kha village, before releasing them. The men, who had left their village to cut bamboo at the base of the Mayu mountains, were seriously injured in the assault and required hospitalisation.

Violence and intercommunal tensions

In conjunction with the ongoing securitisation of Maungdaw Township, insecurity and crime continue to have the potential to negatively impact social cohesion dynamics between communities. Security patrols and punishment for informal border crossings have been strengthened during the COVID-19 pandemic, and locals attribute this to a steep reduction in the number of refugees returning from Bangladesh through informal channels. However, it is clear that the illicit border trade continues, with large amounts of methamphetamine and other drugs continuing to be seized by authorities in Bangladesh. While Rakhine sources suggest the perpetrators of the recent violence in

southern Maungdaw Township were from the Arakan Rohingya Salvation Army, it should be noted that this name is often applied to any group of armed Muslims, and there are multiple armed gangs active in the border region. The motive for the attack remains unclear, but the communal reading of the violence by the media and communities threatens to destabilise inter-communal relations. //

2 Ignored Peace Demands Undermine NCA

SOUTHEAST MYANMAR

On 24 January, about 1,000 villagers from Bilin Township, Mon State, **protested** against the Tatmadaw, demanding the de-escalation of armed clashes between the Tatmadaw and the Karen National Liberation Army (KNLA), the withdrawal of Tatmadaw troops, and the Tatmadaw's respect for the Nationwide Ceasefire Agreement (NCA). The protests followed a 20 January **letter** addressed to President U Win Myint and State Counsellor Daw Aung San Suu Kyi, from 165 civil society groups appealing for help to end the armed conflict in Kayin State. The letter elicited no response. Moreover, three Kayin Political Parties — the Kayin People Party, the Karen National Democratic Party and the Karen National Party — also released a statement demanding the Tatmadaw and the KNLA de-escalate armed clashes in parts of Bago Region and Mon and Kayin states. A Tatmadaw blockade has meanwhile **blocked Karen civil society** groups from delivering aid to some 1,000 displaced people who are in dire need of food, blankets, and other supplies in Kyaukkyi Township, Bago Region.

Signs of Broken Peace?

Armed clashes between the Tatmadaw and the KNLA — a signatory to the Nationwide Ceasefire Agreement (NCA) — resumed in southern Kayin State in early December 2020, displacing about 4,000 people from their villages in two distinct areas of Hpapun and Kyaukkyi townships. Those armed clashes then spread throughout Kyaukkyi Township, driving nearly 1,000 residents from six villages in KNLA-controlled territory into more remote areas. As discussed in this previous **CASS Weekly Update**, the

Karen National Union (KNU) – the political organization of the Karen National Liberation Army (KNLA) – in early January requested both the Tatmadaw and the central government to work with them to prevent further clashes, but the Tatmadaw has not responded. In contrast, the civilian government’s negotiation body, the National Reconciliation and Peace Centre, has responded to the KNU request, but has continually put off any meeting with the KNU. Recent armed clashes between the Tatmadaw and NCA-signatory ethnic armed groups, including the KNU and the Restoration Council of Shan State (RCSS), are likely to undermine public trust and support for the peace process. Other non-signatory armed groups, especially those in the prominent Northern Alliance – the Kachin Independence Army, Arakan Army, Ta’ang National Liberation Army and Myanmar National Democratic Alliance Army – are less likely to participate in a peace process based on the NCA. They see clashes between the Tatmadaw and the KNLA as a sign of a broken peace process. If the government cannot guarantee that the NCA can de-escalate armed clashes, non-signatory armed groups are more likely to choose the status quo, and disregard the agreement. While access to Hpapun and Kyaukkyi townships is likely to remain limited due to ongoing conflict and restrictions from the Tatmadaw, international responders should advocate for the Tatmadaw to allow better access for partner organizations, and engage with civil society organizations and religious groups to assist displaced people. //

3 Tatmadaw Lawsuit Against Local Media

SITTWE, RAKHINE STATE

On 22 January, a Tatmadaw officer filed a lawsuit against two Development Media Group (DMG) staff – the deputy editor-in-chief and a reporter – for writing about Tatmadaw soldiers looting rice from Malar village, Kyauktaw Township in January. The 10 January article, based on local sources, **reported** that the Tatmadaw troops loaded 700 baskets of rice onto a lorry and ordered locals to grind the rice at a village mill. The Tatmadaw accused the journalists of defamation under article 66(d) of the Telecommunications Law. On 25 January, a network of journalists **released** a statement urging the Tatmadaw to complain to the Myanmar Media Council instead of filing a lawsuit, while requesting the Media Council

Directly filing lawsuits against the media, rather than complaining to the Media Council first, threatens the independence of local media, and undermines media freedom in conflict-affected areas.

mediate in this case. DMG is no stranger to prosecution. In May 2019 in Sittwe, Myanmar Police Special Branch filed a lawsuit against the DMG editor-in-chief under Section 17(2) of the Criminal Procedure Code. In December 2020, the Roads and Bridges Department filed a **similar lawsuit** against another DMG journalist in Maungdaw Township under Section 66(d) of the Telecommunications Law, after DMG reported on a faulty bridge.

No guarantee for media freedom

Although the **2014 News Media Law** protects the rights of journalists to gather information and cover news in areas affected by armed conflict, uprisings and riots, journalists are increasingly being restricted and prevented access. Section 21 of the News Media Law encourages, but doesn’t require, an aggrieved government department, organization or individual to file a complaint against a media organisation or individual reporter to the Media Council before filing for legal action. Despite this, journalists are increasingly being charged under various laws, including; Section 66(d) of the Telecommunications Law, Sections 17(1) and (2) of the Unlawful Associations Act, Section 25(b) of the News Media Law, criminal defamation under Section 500 of the Penal Code and the Counter-Terrorism Law. This illustrates the ongoing threat to media freedom in Myanmar, particularly in conflict-affected areas. According to Athan – an activist organization working for freedom of expression in Myanmar – **67 lawsuits were filed against journalists** during the first four-year term of the NLD government, 34 of them under Telecommunication laws and eight cases under the Counter-Terrorism law. Refuting the suggestion that it is the Tatmadaw, not the civilian government persecuting the media, civilian governments accounted for 31 cases compared to the Tatmadaw’s 11. Particularly in the seven townships under internet shutdown in western Myanmar, local media plays a crucial role in monitoring and reporting human rights violations or abuses committed by armed organizations. The media has strong networks at grassroots level and can

mobilise public trust. Directly filing lawsuits against the media, rather than complaining to the Media Council first, threatens the independence of local media, and undermines media freedom in conflict-affected areas. International agencies should advocate for parliament and the government to permanently abolish laws that threaten media freedom in Myanmar, while encouraging the government to enact a Right to Information Law. //

4 Finding a Voice for a Representative Arakan

SITTWE, RAKHINE STATE

The Declaration by the Diverse and United Communities of Arakan, **announced on 18 January** by leaders of Rakhine, Rohingya and other communities, has been met with mixed responses in Rakhine State. On 20 January, a group calling itself the Sittwe Township Social Organisations Representative Committee **issued a statement** rejecting the Declaration's claim it had consulted civil society in Rakhine State, stating that "the majority of Rakhine" reject the 'fake ethnicity' Rohingya, and arguing that Bengalis would only be granted citizenship in line with the law and after abandoning the name Rohingya. The statement took particular aim at a claim made by Nyi Nyi Lwin, a public-facing leader behind the Declaration, that "the sentiment in this statement can be taken as the sentiment of the whole Rakhine nationality."

Who speaks for who?

The orchestra of statements claiming to speak for communities in Rakhine State reflects the fundamental problem of finding representative voices in a fractured society. Notably, no individual political party or civil society organisation has publicly put their name to any of these statements which claim to speak for the people. The reality of attitudes towards the initiatives and the issue of reconciliation in western Myanmar more broadly is undoubtedly vastly complex, and is difficult to generalise across civil society, or among Rakhine, Rohingya or other minority communities. What is emerging is an apparent split between those vying to speak for communities, and a split on the issue of reconciliation in particular. Humanitarian agencies in western Myanmar should closely monitor these dynamics, due to a risk that ethnic Rakhine leaders will attempt to

appeal to the extremist margins to build community support for their position. Finally, on 25 January the Arakan Rohingya Army **released** a statement criticizing the Sittwe Township Social Organisations Representative Committee as extremist and warned against making 'irresponsible' statements regarding citizenship without considering history. While the Arakan Rohingya Army has continued to present communal harmony as one of its key principles, a vote for the Declaration from a Rohingya armed group is unlikely to placate the concerns of hardline Rakhine ethno-nationalists. //

5 Local Organisations Key to Mine Risk Prevention

WESTERN MYANMAR

On 12 January, a lawmaker from the Arakan National Party (ANP) **submitted a proposal** in the Rakhine State Parliament urging the State Government to take action for landmine clearance to facilitate IDP returns. In response, the Rakhine State Minister of Security and Border Affairs said that the **Tatmadaw will take responsibility** to clear its landmines only after an agreement on troop deployment between the Tatmadaw and the Arakan Army had been signed. On 18 January, the Union Minister of Social Welfare, Relief and Resettlement, U Win Myat Aye, led a **discussion** with the Rakhine State Mine Risk Working Group to establish a collaborative mine risk education programme, and civil society groups are **calling for inclusion**. Simultaneously, landmine and unexploded ordnance (UXO) continues to threaten civilians. UXO **killed one woman** and injured nine other people, including children, in Minbya Township on 10 January. According to the Rakhine Ethnic Congress (REC), since the escalation of civil war in western Myanmar in 2018, landmines and UXO have killed 46 people and injured 75 others in Rakhine State, while the Khumi Media Group **estimates** 20 civilian casualties of landmines and UXO in southern Chin State's Paletwa Township since 2015. While some IDPs have returned to their villages during the current lull in armed clashes in western Myanmar, tens of thousands remain in displacement sites due to fear of landmines and UXO.

Public awareness needed

While contamination was unheard of before 2018, western Myanmar is now heavily affected by landmines and UXO. Disturbingly, many UXO explosions are the result of children or others playing with or attempting to recover unknown devices in rural areas. In response, agencies need to facilitate access to emergency mine risk education activities so that children and other community members can mine risk education in schools and communities. Where possible, receive psychosocial support will also be required for those traumatised by war and explosives. Many IDP returnees do not dare work near farmlands or walk along mountain tracks in fear of explosives. Local people report that landmines are a particular risk for people collecting firewood, harvesting bamboo and wild vegetables, or farming near mountains. Education for IDPs returning to their villages should focus firstly on those most at risk, including school-aged children, before other community members. It remains challenging for international agencies to implement in western Myanmar, despite the current lull in armed conflict between the Tatmadaw and the Arakan Army. Agencies should thereby consider collaborating with local CSOs for mine risk education and community mapping (marking mine-free areas, or areas where mines are clearly marked and fenced off). There also needs to be a united call for all armed groups to stop laying mines, to clear existing mines and UXO, and to ensure the safety of children and others. //

6 The Biden Presidency and Rohingya Diplomacy

NORTHERN RAKHINE STATE

On 20 January, Joe Biden **took office** as the 46th president of the United States (US) with an optimistic call for unity, to restore relationships with its allies, and to regain its role at an international level. Signalling a change in direction, he **signed 30 executive orders** in the first three days of his administration, reversing Trump's travel ban targeting Muslim countries, imposing a mask-wearing mandate on federal property, ramping up vaccination supplies and requiring international travellers to provide proof of a negative Covid-19 test before travelling to the US. In Myanmar, the National League for Democracy (NLD) spokesperson, Dr Myo Nyunt, **remarked** that the new

The Biden administration is likely to switch course, improve bilateral ties and attempt to find a sustainable solution for the Rohingya refugee crisis, rather than take concrete action to pressure Myanmar.

US President was likely to demand the return of Rohingya refugees as a policy priority in dealing with Myanmar. The Arakan National Party Policy Leadership Committee member, U Hla Saw, **expected** two critical issues – the Rohingya crisis and armed conflict between the Arakan Army and the Tatmadaw – were likely to progress if the US was interested. In the meantime, Refugee International **released** a policy brief for President Biden on 14 January, suggesting six key policy recommendations including; leading a global effort on the Rohingya, concrete bilateral action to exert pressure on Myanmar, and the continuation of humanitarian support to Rohingya communities.

Implications for the Rohingya

The Biden administration is likely to switch course, improve bilateral ties and attempt to find a sustainable solution for the Rohingya refugee crisis, rather than take concrete action to pressure Myanmar. For the US, Myanmar plays a crucial role in balancing the rise of China, and the administration is likely to rely on a civil society platform for protecting human rights and restoring peace in Myanmar. Any rise in tension between the US and China for regional influence could create new problems for the Rohingya refugee crisis. For example, China has taken a leading role in trilateral talks for Rohingya returns, and they would likely oppose a US interjection. In 2012, bilateral relationships were restored between the US and Myanmar under the Obama administration. Sanctions were removed, development aid increased, while high-level diplomatic visits occurred, including from President Obama. However, relations were chilled under the Trump administration, snap frozen in part by Myanmar's military campaign against the Rohingya in Rakhine State and by Trump's general lack of interest in southeast Asian affairs. The reapplication of US sanctions against Tatmadaw leaders and their families, plus the US's role in raising the Rohingya issue at the United Nations Security Council also cooled bilateral ties, creating more political and economic leverage for China. International agencies should monitor the Biden administration's engagement strategy with Myanmar, and be ready to seize opportunities for human rights protection and Rohingya repatriation.

7 / Coup Threat Overblown

NAYPYIDAW

While the Tatmadaw is clearly seeking to undermine the current government's legitimacy, by targeting its electoral win, it is unlikely to stage a coup.

At a 26 January press conference, Tatmadaw spokesperson Lt. General Zaw Min Tun stated that the Tatmadaw could not guarantee it would not take state power again. In Myanmar's traditional media and on social media, many **interpreted** this as a direct threat to the civil government, while other analysts **dismissed it as mere intimidation**. The threat follows the Tatmadaw's **accusation** earlier this month that the Pyidaungsu Hluttaw (Union Parliament) speaker's refusal to call a special session may violate Myanmar's constitution.

Power play, not power grab

While the Tatmadaw is clearly seeking to undermine the current government's legitimacy, by targeting its electoral win, it is unlikely to stage a coup. The military itself designed the current quasi-democratic system to protect its political role, and immense economic interests. As argued by prominent media outlets this week, any attempt to seize power would also be received extremely badly by Myanmar's population. Indeed, Aung San Suu Kyi's party won a landslide election result just months previous. Furthermore, the military has little real desire to shoulder governance responsibility in the midst of an unprecedented global pandemic. Finally, it is worth asking why the military would take control while under international pressure for serious violations of human rights and international law in Rakhine State – an issue with which the leadership of the Tatmadaw is highly concerned. //

8 / Rare Bird Market Drop Exposes Weak Controls

NORTHERN SHAN STATE

Sources familiar with Northern Shan State's rare wildlife trade report that the market has shrunk amid the COVID-19 pandemic and related restrictions. In early 2020, China **announced a ban** on the sale of wildlife, following reports that the COVID-19 outbreak was linked to the wildlife trade. China is the world's largest market for wildlife and wildlife parts, and much of the supply – licit and illicit – comes from Myanmar. Representative of this changing market is the demand for the Hill Myna, a rare bird found in the Rakhine Yoma mountain range and other areas of the country. Amid a drop in demand, prices for the bird have dropped from between 20,000 MMK and 25,000 MMK per bird to between 12,000 MMK and 15,000 MMK. Birds can draw greater prices if they are younger, or if they can recite stock phrases in Chinese. The Wild Wide Fund for Nature (WWF) **note** that the illegal wildlife trade is a “multi-million dollar business run by dangerous criminal syndicates”, representing “the biggest threat facing wildlife today.” While much of the trade in wildlife is often run by small-time traders rather than ‘syndicates’, the upshot is the same, and traders themselves fret the extinction of the animals.

Silver lining?

While the COVID-19 pandemic and restriction of wildlife trade have, positively, reduced demand for Myanmar's rare animals, there is no guarantee this will continue through the COVID-19 recovery. Demand for wildlife and wildlife parts among China's growing middle class is underlined by traditional beliefs in animal parts' medicinal uses. These attitudes will be difficult for authorities to change, despite reports of links between the trade and COVID-19 or other SARS viruses. Domestically, Myanmar has few laws controlling the trade or the keeping of animals domestically. In order to safeguard the natural environment, to prevent infectious diseases, and to transform livelihoods away from the illicit trade, international agencies active in Myanmar should seek to create a narrative around a ‘green recovery’ from COVID-19, with a focus on environmental protection and sustainable development. The wildlife trade should be just one aspect of this strategy – the survival of the environment and humans alike may depend on it. //

// Other Developments

- On 24 January, National League for Democracy Central Executive Committee reportedly agreed that Aung San Suu Kyi's State Counsellor position would be retained, and that most state and regional Chief Minister positions would be given to National League for Democracy members. The decision is likely to strain centre-periphery tensions, as ethnic political parties who won majorities or pluralities of seats in state parliaments have sought to occupy the positions.
- On 27 January, Myanmar's Ministry of Health and Sport began COVID-19 vaccinations across Myanmar, prioritising health workers. Mass vaccinations will begin on 5 February. The government is updating the eligible lists for vaccination at ward and village tract levels and says it has received another 30 million doses of the AstraZeneca vaccine from India. Positively, agencies may soon expect a relaxation of restrictions, as confirmed cases of COVID-19 have already been declining in recent weeks.
- The Assistance Association for Political Prisoners has [published numbers](#) showing how the number of political prisoners in Myanmar has risen dramatically during the last two years of the National League for Democracy government. A more pessimistic observer might suggest the government — itself largely composed of former political prisoners — is guilty of hypocrisy.

// What to Watch This Week

- On 29 January, the three judges will hold a preliminary hearing related to allegations of electoral fraud against the President and the Union Election Commission chair submitted by military-linked parties.
- Bangladeshi authorities have said they are [planning to relocate](#) another group of 2,000 Rohingya refugees to Bhasan Char island before the end of January.

// Key Readings

- Refugees International has released [a policy brief](#) for newly elected US president Biden, suggesting he take a leading role in a global response to the Rohingya crisis in Myanmar.
- Women's Network-Rakhine State has released a '[Anti-Hate Speech Declaration](#)', citing the harm done by hate speech in Rakhine State, and calling on stakeholders to denounce it.



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info@cass-mm.org
www.cass-mm.org