



## **The peace process in Burma's Chin State: Better human rights protection for the Chin?**

**Rachel Fleming**

The dominant narrative about Burma<sup>1</sup> is of rapid political transition and progress towards peace. The government of Burma has signed bilateral ceasefire agreements with 14 out of 17 major ethnic armed groups (EAG) in the country, and is in the process of negotiating a Nationwide Ceasefire Agreement with the ethnic armed groups. This dominant narrative arguably ignores the structural violence at the heart of ongoing human rights violations in the country, including in ceasefire areas.

Rachel Fleming asks: Has the current peace process in Burma's Chin State – a ceasefire area - actually resulted in better human rights protection for the Chin people?

In an effort to address this key question, she presents a human rights analysis of the bilateral ceasefire agreements between EAG the Chin National Front and the government, and analyses patterns of human rights violations documented by the Chin Human Rights Organization (CHRO) since January 2012, when the first ceasefire deal was agreed, until the end of September 2014.



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Burma's mountainous Chin State  
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## Unpacking the dominant narrative

Since assuming power in March 2011 following flawed, undemocratic elections in November 2010, Burma's quasi-civilian government under the leadership of President Thein Sein has been widely lauded for introducing progressive democratic reforms. Such reforms have included at least fifteen presidential amnesties for political prisoners and signing ceasefire agreements with the majority of the EAGs. These developments have been used to carefully craft the dominant narrative of foreign policy success in Burma. As a result of these positive developments, international sanctions on Burma were eased, suspended, or lifted and foreign direct investment in the country has risen. Burma's peace process in particular has won President Thein Sein numerous accolades, including a Nobel Peace Prize nomination and the International Crisis Group's "In Pursuit of Peace Award" in 2013.

However, in recent weeks, Aung San Suu Kyi - Nobel Peace Prize winner and leader of opposition party the National League for Democracy - has warned that reforms have "stalled" over the past two years. Her warning echoed that of the new UN Special Rapporteur on the human rights situation in Burma Ms. Yanghee Lee, who earlier expressed concern about "signs of backtracking". Armed clashes continue in both non-ceasefire and ceasefire areas, forcing Kachin, Shan, and Karen civilians to flee. To date, such developments have largely been set aside by the parties to the conflicts, who have instead prioritized efforts to negotiate and sign a Nationwide Ceasefire Agreement (which will likely draw on bilateral agreements, rather than replace them), and establish a framework for political dialogue.

However, the September 2014 negotiations ended in deadlock and plans for further negotiations are on shaky ground following the 19 November Burma Army shelling of a Kachin Independence Army (KIA) military training school in Kachin

State, resulting in the deaths of 23 trainees from four different EAGs allied with the KIA, including two Corporals from the Chin National Front. The attack has been widely condemned, and poses a significant obstacle for the wider peace process.<sup>2</sup> Nonetheless, the various bilateral ceasefire agreements remain in effect.

## The Chin State context

People in Chin State - the vast majority of them ethnically Chin - are officially the poorest in Burma by a wide margin. Most people in Chin State are subsistence farmers; 73 percent of people live below the poverty line, compared with a national average of 25 percent, according to UN statistics.<sup>3</sup> The Chin experience many intersecting forms of State-sanctioned discrimination, based on their ethnicity (Chin), religion (predominantly Christian), language (for most Chin, Burmese is their second or third language), and socio-economic status (the poorest in Burma).

Over the past two decades, State-sanctioned discrimination has manifested as a pattern of pervasive human rights violations perpetrated against the Chin by State actors, which may amount to crimes against humanity.<sup>4</sup> Under military dictatorship, and before President Thein Sein's nominally civilian government assumed power in March 2011, forced labour (including portering for the Burma Army) and violations of freedom of religion or belief were among the most prevalent documented human rights abuses perpetrated against the Chin by State actors.<sup>5</sup>

The Chin National Front (CNF), which was formed in March 1988, signed its first preliminary ceasefire agreement with the government in January 2012. Subsequent ceasefire agreements signed by the two parties are some of the most comprehensive of all the current bilateral agreements, with over 50 points of agreement. These include provisions for the protection of human rights, and a ceasefire monitoring mechanism which is one of the most detailed among all the bilateral agreements.



Typical rural road  
in Chin state  
during the rainy  
season ©Chin  
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## Chin National Front – Government ceasefire agreements

Aside from agreeing to end mutual armed hostilities, the 9-point January 2012 agreement between the CNF and the Chin State government mainly focuses on military matters such as the location of liaison offices and army bases for the armed wing of the CNF, the Chin National Army (CNA), and freedom of movement for unarmed members of the CNF/CNA. The January agreement was formally witnessed by members of the Chin Peace and Tranquility Committee (CPTC), a group of Chin pastors who have played a key role in mediating between the CNF and government forces since the mid-1990s, when urban guerrilla warfare tactics employed by the CNF were met with harsh retribution against ordinary Chin by the military regime.

As well as deepening the terms of agreement on military matters such as troop movements, the 15-point May 2012 agreement contains some provisions for

the protection of human rights. Point 13 specifies, “The parties agreed to cooperate in ensuring unconditional and due punishment for anyone for violations of basic human rights in accordance with the law, as well as ensuring that no parties violates [sic] the constitutional basic human rights of the people in the future during the course of the ceasefire agreement.” This provision not only prohibits human rights abuses by either party to the conflict, but can be interpreted as guarding against impunity for human rights violations, at least going forward from the date of signature until such a time as the ceasefire agreement is formally no longer in effect.

Point 14 of the May agreement provides for the formation of a Ceasefire Monitoring Body, to be comprised of members of the Chin Peace and Tranquility Committee and “other legal experts”. The onus is on the Ceasefire Monitoring Body to report any failures to observe any of the points of agreement by named parties (the Union government, Chin State government, Burma Army, police force, CNF/CNA) to a Crisis Mediation

Body, instituted in point 15, made up of relevant point persons from the Burma Army and the CNF/CNA. It follows that this includes failures to observe point 13, on violations of basic human rights. Points 13 and 14 could in theory mean better human rights protection for Chin people under the terms of the ceasefire agreements.<sup>6</sup>

The 28-point December 2012 agreement refers to a three-point peace process, which moves beyond ending armed hostilities to working towards holding Union-level political dialogue and a 'Union Accord' between the Union government and all ethnic nationalities. There are a number of important provisions for the protection of human rights, including point 23 which provides for the full enjoyment of all tenets of freedom of religion or belief in Chin State. It specifically includes the right to own land for religious purposes; the right to freely construct churches and other religious buildings; and the right to proselytize<sup>7</sup>, all of which have been routinely violated over many years.

## Patterns of documented human rights violations in Chin State

A human rights analysis thus shows that the CNF-government ceasefire agreements do in fact provide for human rights protections and monitoring mechanisms. However, the real test of the efficacy of the ceasefire agreements is the human rights situation on the ground in Chin State.

Infrastructure in the area is very poor, with no fully paved roads, making access difficult. Many villages in Chin State are still only accessible on foot, via a network of small tracks; it can take three or four days to reach remote villages. As a result, most human rights violations are documented days or weeks after the fact, if at all.

In addition, Chin State is heavily militarized, with 54 Burma Army camps in the area. In the Chin context, ongoing human rights violations committed with impunity are linked to militarization and the ongoing presence of Burma Army soldiers, rather than active conflict. There have been no armed clashes between the CNF and the Burma Army since November 2010.

*Below: Table of human rights violations perpetrated by State actors and documented by CHRO, in order of prevalence, since the preliminary CNF-government ceasefire agreement was signed in January 2012<sup>8</sup>*

Type of human rights violation	2012	2013	2014*	Totals
Extortion/arbitrary taxation	24	18	7	49
Freedom of religion or belief	9	10	4	23
Torture/ill-treatment	6	3	9	18
Arbitrary arrest/detention	0	0	18	18
Forced labour	9	4	0	13
Discrimination	3	6	0	9
Land confiscation	3	1	4	8
Freedom of expression and/or assembly	1	1	3	5
Sexual violence	2	1	1	4
Forced relocation	2	2	0	4
Food/property misappropriation or destruction	1	0	1	2
Threats/intimidation	0	0	2	2
Extra-judicial killing	1	0	0	1
Freedom of movement	0	1	0	1
<b>Totals by year</b>	<b>61</b>	<b>47</b>	<b>49</b>	<b>157</b>

\*until end September 2014

One positive trend in the above table is that the prevalence of documented forced labour incidents is in decline, which is in part due to the International Labour Organization's efforts to assist the government in meeting a target of eradicating all forms of forced labour by 2015.<sup>9</sup>

However, violations of freedom of religion or belief continue to be prevalent, and also intersect with other human rights abuses. In October 2013, local government officials threatened to burn down a village in a remote part of southern Chin State if villagers continued to assemble for Christian worship.<sup>10</sup>

Throughout the ceasefire period CHRO has also continued to document grave human rights violations such as extrajudicial killing and sexual violence, especially in remote areas. Sexual violence cases in particular follow the same prevalence and pattern as those documented by CHRO before the ceasefire period; they are very violent, and committed with apparent impunity by Burma Army soldiers.

The table on p. 4 shows that torture or ill-treatment and arbitrary arrest and/or detention are among the most prevalent human rights violations documented by CHRO over the ceasefire period. In fact, there has been an increase in documented cases in 2014.

In August, armed members of the CNF attended a local harvest festival (uninvited) in a remote area of Paletwa township in southern Chin State. Afterwards, eight Chin farmers were arrested and detained for more than a week by Light Infantry Battalion (LIB) 344 Commander Major Tin Htut Oo, on accusation of support for the CNF/CNA. While in custody, seven of the farmers were subjected to ill-treatment amounting to torture by Major Tin Htut Oo and soldiers under his command. At times they were tied up, kicked and punched, and were denied food. The men were forced to sign a statement admitting contact with the CNF/CNA, and agreeing never to do it again. The men were then released, fled from their village, and wrote a complaint letter to Chin State Chief Minister Hung Ngai about their treatment at the hands of the soldiers. One of them also publicly

accused the soldiers of torture at a press conference in Rangoon. The farmers were later convinced to return to their village by soldiers from LIB 344, who told them they would receive compensation. However, on arrival at their village, they were interrogated again and forced to sign a statement retracting the allegations of torture. After a further period in hiding, they returned home, and are continuing in their efforts to seek justice. It is not clear what action, if any, has been taken against the perpetrators.

The overview (see p. 4) of CHRO's documentation of human rights violations since the signing of the first CNF-government ceasefire agreement in January 2012 shows that to date, the peace process in Chin State has not in fact resulted in better human rights protection for the Chin people.

## Why are ceasefire efforts for better human rights protection falling short?

In spite of apparent efforts to ensure better human rights protection for the Chin people through the peace process, to date such efforts are falling short. The explanation for this lies partly in the weakness of the ceasefire agreements themselves. However, the lack of effective protection for human rights through the peace process in Chin State must also be understood within the wider context of Burma's flawed reforms process.

### The need for a robust monitoring mechanism

The Ceasefire Monitoring Body the Chin Peace and Tranquility Committee have only very recently received the necessary technical support and financing to enable them to fulfill their ceasefire monitoring role, although more than two years have passed since their mandate was established. The CPTC conducted their first investigation into the Paletwa incident, and found that the terms of the agreements had been breached. CNF soldiers trav-

elled outside of designated areas while armed, and the Burma Army committed human rights violations against Chin civilians. The CPTC have submitted their findings to the Crisis Mediation Body, and are currently awaiting a response.

Such efforts by the CPTC to fulfill their role under difficult circumstances should be applauded and supported. However, the Crisis Mediation Body to whom the CPTC must report is comprised solely of representatives of parties to the conflict, with no participation from international or independent mediators – a major weakness in the agreements. This raises serious questions as to how the Crisis Mediation Body will deal with allegations of human rights violations, or provide justice and redress for the victims of human rights violations, such as the Chin farmers from Paletwa.

In both the Chin context and the wider national context, committees or bodies comprising a monitoring mechanism must be independent of the parties to the conflict (unlike the Crisis Mediation Body). In addition, as well as including human rights protections, the ceasefire agreements should outline clear and effective recourse in the event that the terms of the agreements are broken, in line with international human rights standards.

### **The need to institutionalize reforms in Burma**

In addition, there are a number of key substantive issues which have yet to be addressed under the reforms process. In 2008, when the former UN Special Rapporteur on the human rights situation in Burma Mr. Quintana took up the mandate, he specified four core human rights elements for paving the road to democracy in Burma. These were: (1) reform of national legislation in accordance with international obligations; (2) release of prisoners of conscience; (3) reform of the armed forces to ensure respect for human rights; and (4) reform of the judiciary to

ensure its independence and impartiality.<sup>11</sup>

In his final report to the UN Human Rights Council in March 2014, Mr. Quintana noted that the most progress had been made on the release of prisoners of conscience. He also noted that out of 16 laws originally identified as in need of reform, only one had been repealed. In addition, new laws such as the 2011 Peaceful Assembly Law are being used to criminalize freedom of expression and assembly. With regards to reform of the judiciary, he noted that little progress had been made so far, and urged the government to seek international technical assistance to establish an independent and impartial judiciary that is consistent with international standards and principles. According to Mr. Quintana, “[T]he rule of law cannot yet be said to exist in Myanmar [Burma].”

With regard to reform of the armed forces, Mr. Quintana noted, “[V]iolations of international human rights and humanitarian law continue where military operations are ongoing (see para 34), and there is no progress in tackling the impunity under which the military forces currently operate,” and recommended amendments to Burma’s 2008 Constitution to bring the military under civilian control and oversight.<sup>12</sup>

Burma’s peace process cannot simply be divorced from these key substantive issues, nor should it be viewed in isolation. In order to ensure better human rights protection and lasting peace for people in Chin State and Burma as a whole, there is an urgent need to strengthen the ceasefire agreements on the one hand, and deepen and institutionalize substantive reforms in Burma on the other.

In the words of Chin woman human rights defender Thang Zing, recently convicted of “unlawfully” protesting against impunity for sexual violence, “There is no rule of law and no human security for our people.”<sup>13</sup>



Chin women in Matupi protesting with the banner "Stop brutally raping women" <the people's voice>  
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## Annotations

1 Although the official name of the country has been Myanmar since 1989 when the military junta unilaterally changed it, many ethnic minority people view this change as part of a process of “Burmanization”. ‘Burma’ continues to be the preferred term by many ethnic minority peoples, as it is viewed as more inclusive.

2 See Attack on KIA a Setback for Nationwide Ceasefire, Negotiators Say, 27 November 2014, Irrawaddy News.

3 Poverty Profile – Integrated Household Living Conditions Survey in Myanmar, UNDP, June 2011. Arakan/Rakhine State is the next poorest with 44 percent of people living in poverty.

4 A 2011 report by Physicians for Human Rights (PHR), based on an extensive quantitative survey of human rights violations experienced by Chin households between 2009 – 2010, found that almost 92 percent of Chin households surveyed were victims of forced labour within that year, on average three times.

5 See also Individual Submission to the UN Universal Periodic Review, CHRO, July 2010.

6 See Text of CNF-Govt Agreement (Unofficial Translation by CG), 17 May 2012, Chinland Guardian.

7 See Unofficial translation of CNF-Govt Agreements at Union-level peace talks, 10 December 2012, Chinland Guardian.

8 The numbers included in the table represent individual cases documented by CHRO; for example, arbitrary arrest and detention of 18 individuals within 2014. On the thematic issue of freedom of religion or belief, some policy decisions impacting on large numbers of people are counted as one incident. All analysis is drawn from CHRO’s documentation publication Rhododendron News, published bi-monthly.

9 See Burma to stamp out forced labour ‘by 2015’, 19 March 2012, Democratic Voice of Burma.

10 See Rhododendron News, September – October 2013, CHRO.

11 See Report of the Special Rapporteur on the situation of human rights in Myanmar, 5 September 2008, ref. A/63/341.

12 See Final report by the Special Rapporteur on the situation of human rights in Myanmar to the United Nations Human Rights Council, 12 March 2014, ref. A/HRC/25/64.

13 See Govt urged to drop charges against Chin activists, 18 July 2014, Chinland Guardian.



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Subsistence farms along the Kaladan river in Paletwa township, with land confiscated for a military base in the background ©Chin Human Rights Organization

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