

MYANMAR

PROGRAMME PERFORMANCE

	2017	2016
Problem understood	2	2
Target date for completion of mine clearance	1	1
Targeted clearance	1	1
Efficient clearance	1	1
National funding of programme	1	1
Timely clearance	1	1
Land-release system in place	2	2
National mine action standards	2	3
Reporting on progress	1	1
Improving performance	2	1
PERFORMANCE SCORE: VERY POOR	1.5	1.4

PERFORMANCE COMMENTARY

Myanmar still has no functioning national mine action programme. Non-technical survey conducted by three international organisations in 2017 marked a significant step forward for operators previously restricted to risk education and limited community mapping but the government and ethnic groups do not yet permit clearance. In addition, allegations of new mine use persisted in 2017.

RECOMMENDATIONS FOR ACTION

- Myanmar should accede to the Anti-Personnel Mine Ban Convention (APMBC) as a matter of priority.
- The Myanmar army (Tatmadaw) and armed groups should stop all use of anti-personnel mines.
- Myanmar should accelerate non-technical survey, authorise international marking of hazardous areas, and permit accredited operators to conduct clearance and explosive ordnance disposal.
- Myanmar should establish a national mine action authority to plan and coordinate comprehensive humanitarian mine action.

CONTAMINATION

Myanmar is heavily mine-affected as a result of conflicts between the Tatmadaw and numerous non-state armed groups affiliated with ethnic minorities. The violence started after the country's independence in 1948. Mined areas are located in areas of Myanmar adjacent to borders with Bangladesh, China, and Thailand, and pose a particular threat in northern and eastern parts of the country.

Some 55 townships (out of a total of 325) in 10 states and regions are believed to suffer from some degree of mine contamination, primarily anti-personnel mines.¹ Karen (Kayin) state and Pegu (Bago) division are among those with the heaviest mine contamination and the highest number of recorded victims. Townships on the Indian border of Chin state and in the Sagaing region are also believed to have suspected hazardous areas.²

A United Nations Fact Finding Mission reported in September 2018 that "despite the signing of the Nationwide Ceasefire Agreement in October 2015, which committed all parties to end the use of landmines and cooperate on mine-clearance operations, new landmines continue to be laid." It cited credible reports that the Tatmadaw and ethnic armed groups had laid landmines and observed that "Tatmadaw soldiers lay landmines in villages they have attacked or after civilians have fled, or on roads frequently used by civilians. Civilians have also laid landmines in order to protect their property."³ Additional mine use occurred in 2017 when the Tatmadaw reportedly planted anti-personnel mines on the border between northern Rakhine state and Bangladesh during a military campaign in August and September.⁴

Additional mine use occurred in 2017 when the UN Fact Finding Mission said the Tatmadaw systematically planted anti-personnel mines on some main roads and pedestrian in Buthidaung township, resulting in many deaths and injuries among civilians fleeing the military clearance operations that were initiated in August 2017.⁵ Mines were also reportedly laid along the border between northern Rakhine state and Bangladesh during a military campaign in August and September, as part of a deliberate and planned strategy of dissuading Rohingya refugees from attempting to return to Myanmar. Some mines dug up by displaced villagers were identified as PMN-1s which are produced or purchased by Myanmar and used by the Tatmadaw.⁶

No estimate exists of the extent of contamination but suspected hazardous areas (SHAs) have been reported in the following states and townships:

- Kayah state: all seven townships
- Kayin state: all seven townships
- Kachin state: Chipwi, Hpakant, Mansi, Mogaung, Momauk, Myitkyina, Tsawlaw, and Waingmaw
- Mon state: Bilin, Kyaukto, Mawlamyine, Thanbyuzayat, Thaton, and Ye
- Bago region: Kyaukkyi, Shwekyin, Tantabin, and Taungoo
- Rakhine state: Maungdaw
- Shan state: Hopong, Hsenwi, Hsihseng, Konkyan, Kyaukme, Langkho, Loilen, Mawkmai, Mongpan, Mongton, Monghyak, Namhsan Tachileik, Namtu, Nanhkan, Yaksawk, and Ywangan
- Tanintharyi region: Bokpyin, Dawei, Tanintharyi, Thayetchaung, and Yebyu
- Chin state and Sagaing region.

The Tatmadaw uses anti-personnel mines most of which are produced in state-owned factories. These locally manufactured mines include copies of Russian PMNs (locally designated MM-2), POMZ fragmentation mines (designated MM-1), and United States M14s. LTM-76 bounding fragmentation mines based on British or Indian designs have been found around electrical pylons. Ethnic armed groups acknowledge use of anti-personnel mines of an improvised nature as well as a number of anti-vehicle mines, but unconfirmed reports have suggested groups in the north have also obtained Chinese factory-made Type 72 anti-vehicle mines.⁷

Data collected by Myanmar's Mine Risks Working Group (MRWG) recorded 176 mine and explosive remnants of war (ERW) casualties, including 52 deaths, in 2017. This is an increase on the 161 casualties, including 41 killed, recorded in 2016. The great majority of casualties in 2017, as in the previous year were in Kachin and Shan states.⁸ The MRWG reported 163 mine and ERW casualties in the first half of 2018 alone: 24 killed and 139 injured.⁹

PROGRAMME MANAGEMENT

Myanmar has no functioning national mine action programme. The government set up a Myanmar Mine Action Centre (MMAC) under the Myanmar Peace Centre (MPC) in 2013 but the centre was never fully staffed. The MPC was dissolved at the end of March 2016 and replaced by a National Reconciliation and Peace Centre that reports to the head of government. State Counsellor Aung San Suu Kyi, however, said that concluding a National Ceasefire Agreement with non-state actors was a precondition for proceeding to survey and clearance and would be her administration's priority.¹⁰ The government formed under her leadership in March 2016 had not, as at September 2018, formulated a clear direction for mine action or established a centre to coordinate it.¹¹

The Ministry of Social Welfare, Relief and Resettlement and the United Nations Children's Fund (UNICEF) co-chair the MRWG, which was set up in 2012 and comprises 10 ministries, 41 international and national organisations, and four state-level coordination agencies (in Kachin, Kayah, Kayin and Shahn states).¹² The group meets quarterly in the capital, Naypyidaw, and focuses on risk education and victim assistance. The Ministry of Social Welfare established a new Department of Rehabilitation in 2018 and operators were informed it would take the lead on mine action from the Department of Social Work (DSW) but as at August 2018 the Department of Rehabilitation had no presence in the capital and stakeholders had received no guidance on how the change would be conducted.¹³

Operators have conducted risk education and community liaison activities which in recent years included limited community mapping of hazardous areas in some locations. In 2017, for the first time, operators were permitted to conduct non-technical survey in Kayin state and southern Shan State.

Legislation and Standards

Myanmar does not have national mine action legislation or standards and therefore operators have followed International Mine Action Standards (IMAS) and their own standard operating procedures.

Information Management

Operators also retain their own survey results in the absence of a neutral national entity to store hazardous area data which remains sensitive in view of continuing conflict.

Operators

Seven international demining organisations had offices in Yangon and some provincial locations: DanChurchAid (DCA), Danish Demining Group (DDG), The HALO Trust, Handicap International, Mines Advisory Group (MAG), Norwegian People's Aid (NPA), and the Swiss Foundation for Mine Action (FSD).

Tatmadaw engineers have reportedly conducted some mine clearance but operations are not systematic or recorded.

LAND RELEASE

No land release has occurred in Myanmar as humanitarian mine action operators are not permitted to conduct clearance by either the government or ethnic minority authorities.

Operators were authorised to conduct non-technical survey in some locations for the first time in 2016 and that activity continued in 2017, but have not been permitted to mark suspected or confirmed hazardous areas (SHAs and CHAs) with standard international marking. They have so far been unable to carry out surveys across an entire state (province) which would enable them to determine a baseline level of contamination.

MAG, which worked with 18 community liaison teams, received authorisation from the DSW in December 2016 to conduct non-technical survey in 74 villages across 6 townships of Kayah State and in 2017 was allowed to start non-technical survey in southern areas of Shan state. In 2017 it mapped 114 hazardous areas, including 86 CHAs covering 214,276m². It also identified and recorded 23 explosive ordnance disposal (EOD) spot tasks.¹⁴

DDG conducted non-technical survey in Kayah state's Demoso township in 2017, finding 51 of its 169 villages affected by mines and ERW. It confirmed 95 hazardous areas covering 127,720m² and identified 33 SHAs covering 233,898m² as well as 67 EOD spot tasks. DDG passed on information about the location of unexploded ordnance (UXO) to military engineers who reportedly cleared some items. After completing non-technical survey in Demoso township in March 2018, DDG shifted its teams to survey Hpruso and Hpasawng townships.¹⁵

The HALO Trust also received authorisation to carry out non-technical survey in 2017. Operating with a total of 47 staff including three non-technical survey teams and seven risk education teams, HALO Trust worked in northern Shan state and Kayin state, identifying CHAs covering 85,315m² and SHAs over an estimated total of 46,058m².¹⁶

NPA did not conduct survey in 2017 as it awaited amendment of its Memorandum of Understanding (MoU) to allow non-technical survey but it collaborated with HALO Trust and MAG on a joint initiative discussed with authorities at national and state level for the survey and clearance of 37 villages in the Kyone Htaw waterfalls

area close to Hpa-An in Kayin state. The aim of the project is to facilitate tourism and the return of internally displaced persons. The project received support from the DSW in Naypyidaw but was put on hold by regional military authorities due to security considerations.¹⁷

ARTICLE 5 COMPLIANCE

Myanmar is not a state party to the APMBC, but nonetheless has obligations under international human rights law to protect life, which require the clearance of mines in areas under its jurisdiction or control as soon as possible.

- 1 Myanmar is divided into states and regions. States are the “home area” of ethnic groups. Other areas, which are not identified with a specific ethnic group, are administrative regions. The former military junta changed the name from Burma to Myanmar in 1989 and also changed the names of some states. Many ethnic groups within the country still prefer to use the name Burma. Internal state and division names are given in their common form or with the name adopted by the ruling State Peace and Development Council (SPDC) in parentheses.
- 2 Research by Landmine Monitor. Data sources included casualty information, sightings of mine warnings, and reports by NGOs and other organisations of use, as well as interviews with field staff and armed forces personnel. The survey included casualty data from January 2007 through September 2015 and data from other informants from January 2008 through September 2015.
- 3 United Nations, “Report of the Detailed Findings of the Independent International Fact Finding Mission on Myanmar”, A/HRC/39/CRP.2., 17 September 2017, p. 95.
- 4 Amnesty International, “Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya”, 9 September 2017; Human Rights Watch, “Burma: Landmines Deadly for Fleeing Rohingya”, 23 September 2017.
- 5 United Nations, “Report of the Detailed Findings of the Independent International Fact Finding Mission on Myanmar”, A/HRC/39/CRP.2., 17 September 2017, p. 213.
- 6 United Nations, “Report of the Detailed Findings of the Independent International Fact Finding Mission on Myanmar”, A/HRC/39/CRP.2., 17 September 2017, pp. 286–288; Amnesty International, “Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya”, 9 September 2017; Human Rights Watch, “Burma: Landmines Deadly for Fleeing Rohingya”, 23 September 2017.
- 7 Information provided by mine action stakeholders on condition of anonymity, 2018.
- 8 Yanghee Lee, “Report of the Special Rapporteur on the Situation of Human Rights in Myanmar”, [A/HRC/37/70], pp 8–9, 15, 9 March 2018; “Strategic Workplan 2017”, Mine Risks Working Group, undated but 2017, p. 16.
- 9 MRWG, “Overview of documented Landmine/ERW incidents and MRE outreach”, PowerPoint presentation, undated but 2018.
- 10 Roger Fasth and Pascal Simon, “Mine Action in Myanmar”, Journal of Mine Action, Issue 19.2, July 2015.
- 11 Interviews with Aksel Steen-Nilsen, Country Director, Norwegian People’s Aid (NPA); Greg Crowther, Regional Director, South and South East Asia, Mines Advisory Group (MAG), in Phnom Penh, 1 May 2017; and email from Melissa Andersson, Programme Manager, NPA, Yangon, 27 September 2017.
- 12 UNICEF, “Landmines and explosive remnants of war threaten children and communities across Myanmar”, 4 April 2018.
- 13 Emails from mine action operators, July–August 2018.
- 14 Email from Greg Crowther, Regional Director, South and South East Asia, MAG, 3 August 2018.
- 15 Email from Pascal Simon, Programme Manager, DDG, 8 August 2018.
- 16 Email from Samuel Fricker, Programme Manager, HALO Trust, 9 July 2018.
- 17 Email from Kyaw Lin Htut, Programme Manager, NPA, 17 August 2018.