

believed that tens of thousands of people lost their lives in the war's final five months. 'The panel's determination of credible allegations reveals a very different version of the final stages of the war than that maintained to this day by the Government of Sri Lanka,' the report stated. The report called on Sri Lanka to begin credible investigations into alleged violations of human rights law; it also urged the UN Secretary-General to establish an independent international mechanism capable of conducting its own investigations. Neither the government of President Mahinda Rajapaksa nor the UN made such moves during 2011.

In the meantime, human rights groups continue to raise concern over recent disappearances. In December, two local human rights advocates disappeared while they were preparing for a press conference in Jaffna. The AHRC also reported on two other cases involving missing men who were later found murdered. Critics say the government has taken little action on these and other forced disappearances.

In November, a UK-based charity, Freedom from Torture, said it had compiled evidence that torture persists in Sri Lanka, despite the end of the war in 2009. The group's physicians assess Sri Lankan asylum-seekers and refugees, mostly ethnic Tamils, often for use in asylum claims. They had found at least one case showing that torture had continued during 2011.

Problems of reintegration for those displaced by the conflict continued throughout the year. Women in particular faced unique hardships upon return. Increasingly, women are bearing the burden of restarting their families' lives. A government report released last year found that nearly one-third of families returning to the Tamil north are headed by women. One Jaffna-based organization, the Center for Women and Development, estimated there were now 40,000 widowed female-headed households in the area – a figure that excludes women whose husbands are missing or detained by the government.

This has resulted in a precarious situation for Tamil women. In a December briefing, the International Crisis Group said there has been an alarming increase in gender-based violence within the community. Women have been forced into prostitution or trafficked abroad. At the same

time, estimates suggest that unemployment in the north could be quadruple that of the national average.

In the aftermath of the civil war, its effect on Muslims has been largely ignored. The Tamil Tigers forced out much of the Muslim population from the north. Failure to implement proper reintegration and reconciliation measures in the region will only serve to exacerbate tensions between Muslims and Tamils.

The report from the UN Secretary-General's panel on accountability warns that recent government policies – requiring the national anthem to be sung only in Sinhala, for example – will alienate Tamil-speakers. Tamil groups also complained of destructive sand-dredging activities in Batticaloa district. In December, Tamil groups claimed that two activists, who were former Tamil Tiger members, were arrested after they protested against sand-dredging in the area.

During 2011, advocates raised concern over a tourism development in the Kalpitiya region of western Sri Lanka. They said up to 10,000 people, mostly Sinhalese Muslims, could be displaced or otherwise affected by a complex of hotels planned for the area. This project has raised concern that similar projects in other parts of the country, particularly in the north and north-east, where post-war tensions still run high, could undermine human rights for minority communities. In its annual report released in December, the AHRC raised concerns that the Sri Lankan government's concept of development 'does not include the guaranteeing of human rights'.

South East Asia

Nicole Girard

Across South East Asia, minorities and indigenous peoples are struggling to protect their lands, livelihoods and way of life. In Mindanao in the Philippines, Indonesia's Papua, and ethnic minority regions of Burma, control

over natural resources is central to a number of long-running armed conflicts. In Cambodia, indigenous Kuy are fighting to protect their traditional way of life in Prey Lang forest. In Vietnam and Laos, minority populations have been subject to resettlement as a result of dams and other development projects, largely without consultation. In Burma, dams in Kachin State threaten the livelihood of thousands of minority and indigenous peoples, and in 2011 led to fighting that broke ceasefires with two major armed ethnic groups.

The construction of two major dams, the Myitsone in Burma and the Xayaburi in Laos, was delayed in 2011. This was welcomed by environmental and indigenous peoples' groups, but worry remains over whether construction on Myitsone has actually been halted and how long plans for Xayaburi will be suspended.

Debate on how best to address ethnic conflicts continued in the region in 2011. Thailand made some efforts to increase accountability for human rights violations in the southern Malay-Muslim majority provinces. In the Philippines, peace talks with the Moro Islamic Liberation Front were initiated. The government of Burma secured ceasefires with major armed ethnic groups by the end of the year, making offers of reconciliation not seen in decades of conflict. Some ceasefires, however, had yet to be enacted on the ground.

Burma

Burma convened its first parliament in over 22 years in January 2011, after elections in November 2010. In March, Thein Sein was sworn in as President, officially dissolving military rule. The government has eased restrictions on media, permitted the creation of trade unions, and passed a law to allow peaceful assembly and protest. It has also reached out to opposition leader Aung San Suu Kyi, released significant numbers of political prisoners and pledged to prioritize minority issues. But whether reforms translate into genuine progress remains to be seen. While 17 out of the 22 ethnic political parties won at least one seat in the election (15.7 per cent of available seats), the conduct of parliamentarians is governed by laws criminalizing comments that are considered a threat to national security or the unity of the

country, or violate the 2008 Constitution.

Tensions between the junta and armed ethnic groups in the run-up to the November 2010 election broke out into renewed fighting in 2011. The military broke a 22-year ceasefire with the Shan State Army-North in March, mobilizing an additional 3,500 troops. By June, the 17-year ceasefire with Kachin Independence Army (KIA) was breached. By December, an estimated 34,000 people were in displacement camps along the border with China from this recent outbreak; the government was not allowing access to international relief organizations. Increasing militarization in Kachin State led to an increase in human rights violations. In their 2011 report, the Kachin Women's Organization documented the rape by soldiers of 34 women and girls, 15 of whom were subsequently killed. The Burma military's use of rape as a weapon of war has been well documented and continues under the new government.

The fighting in Kachin State broke out at the location of a Chinese-operated hydroelectric dam project at Daepin. Earlier, the Kachin Independence Organization (KIO) sent an open letter to the Chinese government, warning that if it continued with construction of the 6,000 megawatt Myitsone dam on the Irrawaddy River, armed conflict would likely ensue. To the surprise of many, in September the Burmese government temporarily halted the Myitsone, citing public opposition. However, local Kachin groups report that construction at the dam site has continued, and the approximately 1,000 displaced Kachin have not been permitted to return to their homes. The US\$ 3.6 billion Myitsone dam is one of eight dams planned on the Irrawaddy River, and is being developed by China Power Investment Corporation (CPI) and Asia World Company of Burma. Ninety per cent of the power is expected to be sold to China. There are serious concerns about the quality and independence of the environmental impact assessment, funded by CPI; a social impact assessment was not carried out (see case study below).

Resource extraction in minority and indigenous peoples' areas has fuelled army land confiscation, property destruction, designation of 'out-of-bounds' high-security areas, militarization and destruction of livelihoods. Both the Burmese army

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Case study
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Dams feed ethnic conflict in Burma

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‘The soldiers came to my house and said, “Starting now you cannot grow on the farms near the river,” and I asked him back: “Why?” He gave the reason that they will build the dam in that area. They confiscated the land from my farm, it was about 18 acres.’

On 30 September 2011, President Thein Sein announced an indefinite halt to construction of the 6000-megawatt Myitsone dam, on the Irrawaddy River in Kachin State, saying that public opposition to the Chinese-funded dam was overwhelming.

Perhaps the game has changed since the military rulers stepped into their civilian roles. But many remain sceptical. ‘We do not trust what the President has said about suspending the Myitsone dam,’ said a local affected by the dam, ‘we can see the workers and dam construction machines still at the site.’ For local communities, the stakes are high. The dam will displace around 15,000 people, mainly ethnic Kachin who revere Myitsone as the birthplace of their culture.

Currently, the Myitsone dam has only been halted until 2016, when Thein Sein’s term in office ends. But even if it is permanently shelved, it is only one of 48 dams currently in various stages of development in Burma. Twenty-five of these are ‘mega-dams’, with a capacity comparable to the Myitsone.

Most of the large dams are located in ethnic minority areas and many are in conflict zones. The fighting that broke a 17-year ceasefire with the Kachin Independence Army (KIA) in June

was exacerbated by tensions over Chinese companies surveying future dam sites.

Ninety per cent of the power from these dam projects will be exported to Burma’s neighbours. Chinese companies are involved in many of the projects, but Burma has also signed agreements with Thailand, Bangladesh and India. The dams are expected to bring revenues of US\$ 4 billion for the Burmese government. But according to Sai Sai of the Burma Rivers Network, the dams will not improve the lives of Burma’s ethnic nationals: ‘These mega-dams are fuelling further conflict, not benefiting the people of Burma,’ he said.

Loss of land, loss of life

The dams are proceeding without any proper consultation with ethnic minorities and indigenous peoples, and, for the indigenous communities, without their free, prior and informed consent. Compensation for their loss of land and livelihoods has been inadequate. In Karenni State, power plant-related development and militarization of the area saw 114 villages flooded; 12,000 people displaced; an estimated 18,000 landmines planted; local communities subjected to forced labour, sexual violence and extra-judicial killings; and prioritized water scheduling leading to crop destruction. Eighty per cent of the local population still has no access to electricity.

For years, the Burmese government has used anti-insurgency military operations to clear areas for dam projects. In 1996, for example, fighting in central Shan State led to the displacement of nearly 60,000 people, clearing the area for the Tasang dam on the Salween River. Since 2005, some 25,000 people in Karenni State have been forced by military offensives away from the Weigyi and Hatgyi dam sites. More recently, in the case of the Shweli dams in Karenni State, villagers were ordered off their land by the military and given a three-year ‘grace’ period, with some small compensation. ‘The Government said it will give half the worth of land and property as compensation, but I absolutely do not believe that they will,’ one man from the Molo village said.

Case study continued

The very existence of some communities is under threat. The Weigyi dam on the Salween River will submerge the ancestral lands, cultural sites and means of livelihood of Yin Ta Lai people, of whom only 1,000 remain.

If the new Burma government is serious about heeding the voice of the people, it should halt all dam projects in conflict zones. Consultations prioritizing the protection of minority and indigenous peoples' rights, coupled with the development and implementation of environmental policy and law (including land policy) based on international standards, is the only way any of these dams should proceed. Otherwise the dams could spell disaster for the affected communities.

'I have grown up in this village since I was born by drinking the water from the Shweli River. My livelihood is fishing which is related directly to this river. After we leave we do not know what we will do for our livelihoods or how to earn money to survive.' Molo villager facing eviction ■

and armed ethnic groups have relied on natural resources for funds, drawing heavily on logging and mining, including gemstone mining. Burma is the biggest producer of jade in the world and the most significant jade mine is in Kachin State, with little of its wealth reaching the people.

The Shwe oil and gas pipeline project is being advanced by the China National Petroleum Corporation along with companies from Korea and Burma and is slated for completion in 2013. Started in 2010, the 2,800 km pipeline will bring gas to China from Burma's western coast. Over 800 km runs across Burma through territory occupied by armed ethnic groups, in Shan State in particular. The pipeline is set to ignite conflict in minority regions, as Chinese workers are brought in to construct it and the Burma military is used to protect it. Widespread land confiscation for the pipeline corridor is leaving farmers jobless and fishing grounds off-limits,

contributing to rising migration. Local people are able to secure only low-wage, temporary and unsafe jobs on the project, and are reportedly unable to complain about working conditions or wages without retribution.

A draft land law was proposed in parliament in 2011, but according to the Asian Human Rights Commission (AHRC), under the law farmers could be evicted to make way for whatever government officials claim to be in 'the national interest'. The law was reportedly drafted without consultation with key stakeholders or land law experts.

The Myanmar National Human Rights Commission was established in 2011, mandated to investigate complaints on human rights violations. But critics questioned whether it is in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), if its members – many of whom were generals under the previous military regime – are hand-picked by the state.

The elections did not improve the situation of Rohingya Muslims from Arakan State, denied citizenship on the assumption that most are not from Burma but come from Bangladesh. Thousands flee every year the harsh restrictions and persecution from Burma's government, ending up as asylum-seekers throughout Asia. In December, the government agreed to repatriate 2,500 refugees from Bangladesh on condition that they already have citizenship in Burma, effectively excluding many ethnic Rohingya.

While serious clashes continue in Kachin State and parts of Shan State, late in the year some positive progress was made in peace talks between the government and armed ethnic groups. A new Internal Peace Building Committee was created by the government, which has offered joint political talks with all such groups, an offer not seen during the 60 years of conflict. By mid-December, two major armed ethnic groups had reached ceasefire agreements. For Burma's ethnic minorities, this offered some hope for their future.

Cambodia

In 2011, four top former leaders of the Khmer Rouge faced proceedings in the Extraordinary Chambers in the Courts of Cambodia (ECCC),