

**Protection Sector
Advocacy Note**

Renewed Fighting in Kachin and Northern Shan State

9 May 2014

Background

Following renewed violence between the Myanmar Government Army (Tatmadaw) and Kachin Independence Army (KIA) on 10 April 2014 near Man Win Gyi in southern Mansi Township, Kachin State, more than 3,000 individuals have been forcibly displaced, some for the second and third times, from more than 14 villages and four camps in the area. Among the displaced, 40 percent are children.

Fighting is reported to have continued until 19 April, initially displacing some 3,200 persons, with an unconfirmed number of individuals (estimated at 600) having fled to China. A multi-sector rapid assessment conducted on 24 and 25 April identified over 2,700 newly-displaced people accommodated across four locations in Man Win Gyi (approximately 1,900 IDPs) and Namhkan (approximately 900 IDPs) townships. The security situation remains tense with reports of continued fighting on 4 and 8 May in Man Win Gyi. In addition, starting from 30 April, fighting has been reported in Pan Hseng area, displacing over 400 individuals to Muse Township, indicating that displacement and fighting continues to spill over into Shan State, involving the Shan State Army and Ta'ang National Liberation Army.

The resumption of hostilities represents a serious deterioration in the overall humanitarian situation, primarily due to the increased military presence and proximity to conflict. The most pressing protection concerns include physical safety of the civilian population, arbitrary arrest and detention, child protection, and protection from sexual and gender-based violence.

Protection of the Civilian Population

A high level of militarization around the IDP camps has resulted in threats and harassment by military personnel towards IDPs and some communities are reported to be trapped in their locations due to ongoing hostilities. Within the first few weeks following resumption of fighting, the Tatmadaw allegedly pressured IDPs from Lagat Yang camp to return, stating that they had regained control of the area and safety was ensured. The military has also been checking the family lists of all IDPs, including surprise checks at night time. There have also been reports of arbitrary arrest and detention of IDPs by the military and while all of the arrested individuals were eventually released, they continue to face threats of re-arrest.

Furthermore, there have been reports of attacks on civilians in the affected villages, with several persons injured and at least one person killed. Both Tatmadaw and KIA have allegedly been using civilians as human shields and minesweepers as well as for other military purposes such as portering, all of which are in direct violation of international humanitarian law. There are also concerns that new landmines may have been laid by both sides during the recent conflict, continuing to place vulnerable populations at risk. They also serve to inhibit the delivery of humanitarian aid and continue to pose a serious threat even after the end of hostilities.

The civilian population is enduring and at further risk of a wide range of violations. These include” the recruitment and use of children in armed forces and groups, sexual violence, killing and maiming, and attacks on schools and hospitals. Due to the current circumstances of displacement (lack of adequate shelters), the exposure of the civilian population to trafficking for both sex and labour also poses a serious concern. The same risk of trafficking is confronted by children who are unable to access education as these children are vulnerable to child labour and exploitation leading to negative coping strategies such as drug use and criminal or anti-social behavior.

In response to the concerns raised above, the Protection Sector would like call on all parties to the armed conflict in Kachin and Northern Shan states as well as State authorities to take urgent measures to comply with their obligations under International Humanitarian Law by:

- **Civilian Nature of IDP Areas:** Respecting the civilian nature and humanitarian character of camps, and in line with the principle of distinction, immediately withdrawing all military personnel from the camps and in the areas surrounding the camps, and taking all possible measures to avoid direct or indirect violence against civilians;
- **Civilian Protection:** Refraining from using civilians for military purposes, including portering as well as shielding military personnel from landmines and attacks;
- **Freedom of Movement:** Ensuring protection for all IDPs in the areas of displacement as well as the areas of return, and refrain from actions that result in restrictions to their freedom of movement;
- **Child Protection:** Take urgent measures to protect children at all times of conflict, parties must refrain from Grave Violations under UN Security Council Resolution 1612 committed against children including the recruitment and use of children, sexual violence, killing and maiming, and attacks on schools and hospitals;
- **Protection of Women and Girls:** Ensuring the immediate and complete cessation of all acts of sexual violence, exploitation and abuse as well as taking of measures to protect women and girls from all acts of sexual violence;
- **Arbitrary Arrest and Detention:** Refraining from acts that intimidate and violate rights of civilians including ending arbitrary arrest and detention as well as ensuring that those detained are not subject to mistreatment;
- **Humanitarian Access:** Ensuring full, safe and sustained humanitarian access to all the affected population and access of these populations to assistance;
- **Shelter and Essential Facilities:** Addressing the urgent need for safe and sufficient land space to accommodate the newly displaced persons – with appropriate shelter and essential facilities - in the affected areas in Kachin and northern Shan States;
- **Access to Education:** Ensuring continuous and safe access to education for IDP children in the coming academic year.

