

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

NOVEMBER 2016 REPORT

Summary. This report reviews the November 2016 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

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I. Political Developments

A. Governance and the Rule of Law

One year after the historic elections that saw Aung San Suu Kyi's National League for Democracy ("NLD") party soundly defeat the military-backed Union Solidarity and Development Party ("USDP") in what was hailed as a victory of democracy and the rule of law, the *Southeast Asia Globe* published several short pieces looking back at the past twelve months of Myanmar's development under the NLD administration.¹ Of particular note is the analysis of the USDP's relegation to the opposition party, its post-election internal shakeup and its future role in the country's governance.² As described in previous reports, USDP chairman Shwe Mann was ousted from his position prior to the 2015 elections, which surprised many observers considering the ex-chairman's status and working relationship with Aung San Suu Kyi.³ Other political purges and demotions followed, as more military-friendly party members replaced more moderate party members.⁴

The margin by which the USDP was defeated in the election sparked the flight of many members from the party, including the former USDP leader Thura Aung Ko, who had been demoted prior to the 2015 elections.⁵ Former President Thein Sein, who now serves as party "patron" in an advisory capacity, and new party chair Than Htay, a former military leader, are now turning their efforts to rehabilitating the party's image, attempting to rebrand it as a champion of local political authorities and to bring in a new generation of party loyalists.⁶ However, Myanmar's merchant class, which had previously consisted of reliable USDP supporters, has more recently turned to the NLD in the hopes of a more profitable future of open trade and foreign investment.⁷

Aung San Suu Kyi is fending off criticism from abroad this month with respect to her administration's handling of a recent flare-up in conflict in Myanmar's Rakhine state, where government troops have responded to coordinated attacks from alleged Rohingya Muslims.⁸ Aung San Suu Kyi has said that the situation is being handled "based on the principles of the rule of law," although there are questions as to whether Aung San Suu Kyi and the civilian-led government are sufficiently involved in the response, which, as a security matter, falls under the purview of the military per the Myanmar constitution.⁹ The criticism adds to international concerns that Aung San Suu Kyi has not done enough to address Myanmar's handling of Rohingya people in general, an issue which she has also stressed must be handled according to the rule of law.¹⁰ The practical implications of Aung San Suu Kyi's statements with respect to the Rohingya are unclear, although the NLD appears to be contemplating a resettlement program for immigrants and a possible reinstatement of the controversial citizenship-verification program.¹¹ Meanwhile, state government spokesman Tin Maung Shwe fired back at critics, saying the conflict is "an internal affair, not an international affair."¹²

On November 18, President Htin Kyaw announced that the deputy minister for agriculture, livestock and irrigation, Dr. Tun Win, had been terminated in accordance with the provisions of Myanmar's Constitution which enable the President to terminate any minister or deputy minister who fails to effectively fulfill or comply with his or her responsibilities.¹³ No specific reason was given for the termination, although Dr. Tun Win stated that he was not dismissed due to corruption or incompetence, but rather as result of a disagreement over

agricultural policies with his minister, Dr. Aung Thu, and Win Htein, the NLD central executive committee member.¹⁴ After repeated requests, the President's Office spokesperson stated that there are no plans to release further information regarding the reasons for the dismissal.¹⁵ The dismissal has raised concerns about the democratic process in Myanmar, in particular a lack of transparency, because, according to Dr. Tun Win, he was first asked to resign by NLD senior members, led by Win Htein, rather than by the President.¹⁶

B. Constitutional Reform

In a November speech to the European Union Military Committee, Senior General Min Aung Hlaing, commander-in-chief of the Myanmar Armed Forces, defended the 2008 Constitution, which guarantees the military 25% of the seats in the Myanmar parliament.¹⁷ The Senior General highlighted that the Constitution imposes time limits on the military's ability to rule during a state of emergency and requires the military to act under the authority of the President.¹⁸ He stated that "Myanmar still needs the help of the Myanmar Armed Forces to adjust, as the country does not have much experience in operating a multi-party, parliamentary democracy," before adding that "the Myanmar Armed Forces, being a strong and powerful national political force, has maintained an entrenched political role in Myanmar throughout the successive eras."¹⁹ The military support of the 2008 Constitution presents a key challenge to constitutional reform, which would require approval by 75% of Parliament.

Conversely, on November 27, the Myanmar Lawyers Network ("MLN") called for the 2008 Constitution to be redrafted.²⁰ Maung Maung Soe, a representative of the MLN, stated that "the 2008 Constitution deviates from the notion of democracy and does not represent the people. It must be withdrawn."²¹

C. Official Corruption, Sanctions and the International Community

Official Corruption

In an attempt to combat corruption, the State Counselor's Office issued a public announcement on November 1 calling for the public to submit complaints against corrupt government officials.²² The announcement outlined the process for submitting complaints and stressed that all complaints would be kept confidential.²³ A few days earlier, in a meeting with several of the nation's wealthiest individuals, State Counselor Aung San Suu Kyi publicly encouraged anyone to file a complaint with her office regarding any instance of corruption.²⁴

Concerns have been raised after a private company donated 100 million kyat to the Yangon regional government, particularly after the chair of the company concerned stated that Chief Minister Phyo Min Thein had asked the company to donate the money.²⁵ The donation was announced during the opening ceremony of a new shopping mall in the region, with the Chief Minister pledging to use the funds to provide scholarships for poor students who study in the Yangon Region and stating that the government will handle the donation.²⁶ Sandar Min, a regional NLD member of Parliament and chair of the region's Finance, Planning and Economic Committee, has urged the Yangon government to provide details of the donation to Parliament, including assurances that no favoritism or corruption has or will occur as a result of the

donation.²⁷ Neither the Chief Minister nor Yangon Mayor, Maung Soe, could be reached for comment.²⁸

Three government officials, including the Pyin Oo Lwin Township administrator, were arrested on October 26 and are now awaiting trial on corruption and abuse of power charges following complaints from locals.²⁹ Tin Naing Soe and his staff have been accused of extorting 40 million kyat from the township's residents to register a new village after the residents were relocated due to flooding caused by the Yengwa Hydropower Project.³⁰ In addition, Myanmar's Anti-Corruption Commission is preparing to sue the three individuals in the Mandalay Region Court.³¹

Sanctions and the International Community

After a 27-year suspension, the reinstatement of preferential tariffs for Myanmar under the U.S. Generalized System of Preferences scheme took effect on November 13.³² The scheme's reinstatement, which was announced in September, permits the duty-free import of certain qualifying goods from Myanmar into the U.S., including rattan and rattan furniture, wooden furniture as well as luggage and backpacks.³³ The reinstatement of preferential tariffs is expected to foster direct exports to the U.S., bolster Myanmar-American trade generally and contribute to foreign investment in the industrial sector.³⁴ It is unclear, however, whether it will result in any immediate benefit to the Myanmar economy, partly due to a lack of direct U.S. buyers of Myanmar goods (since most goods enter the U.S. through other countries such as Singapore, Hong Kong, Thailand and Malaysia), and partly due to the lack of international banking services.³⁵ The reinstatement has been criticized from a political standpoint, due to the fact that it may decrease U.S. leverage and stifle attempts to instigate reform in the notoriously corrupt Myanmar government.³⁶

After Donald Trump won the U.S. presidential election, senior NLD official and spokesperson Win Htein stated that he feared U.S. interest in Myanmar would decline under a Trump administration due to Trump's largely isolationist foreign policy outlook.³⁷ He went further to state that he had wanted Hillary Clinton to win the U.S. election, as she had worked on the rapprochement of relations with Myanmar while secretary of state and had forged a friendship with Aung San Suu Kyi.³⁸ However, such sentiment towards a Trump administration is not universal, as certain representatives from the Myanmar business community have indicated their belief that a Trump presidency would be good for business in Myanmar.³⁹

The commission reviewing hydropower projects along the Ayeyarwady River submitted its first report to the President on November 11.⁴⁰ The report is believed to recommend scrapping the Chinese-backed Myitsone dam project in Kachin State, but neither the President's Office nor the commission itself has been willing to disclose details.⁴¹ Activists have since raised questions about the transparency of the commission.⁴² Local residents have objected to the project due to its expected environmental impact and resulting displacement of people living in the affected region.⁴³

At a meeting in Paris in November, the UNESCO World Heritage Committee denied an application submitted by Thailand to designate the Kaeng Krachan Forest Complex as a world heritage site.⁴⁴ The Myanmar government objected to the application on the basis that

approximately one third of the land included in Thailand's application is actually part of Myanmar's Tanintharyi Region.⁴⁵ The UNESCO Committee has directed that Thailand withdraw its application, consult with the local Kayin people and then re-submit its application next year.⁴⁶

In response to a question in the Amyotha Hluttaw, Immigration Minister Thein Swe stated that a new border gate between Myanmar and India at Tamu, Sagaing Region, would be open within the next four months.⁴⁷ The gate is expected to boost both business and tourism in the region, as many Indian travel agencies are apparently interested in selling trips and tour packages to the Sagaing Region.⁴⁸ Elsewhere, the leader of the Karen Border Guard Force threatened to close the Myanmar border in Kanchanaburi and Tak provinces if the Thai government enforces official 5:30am to 8:30pm border-crossing hours on all routes.⁴⁹ Thai authorities have not officially announced that such hours will be enforced, but preparations to implement such measures have allegedly been made.⁵⁰

II. Civil and Political Rights

A. Freedom of Speech and Assembly

As of November 2016, more than 100 activists were awaiting trial for charges brought under Section 66(d) of Myanmar's controversial Telecommunications Law, which imposes fines and up to three years imprisonment for the vague crimes of extorting, coercing, defaming, disturbing, causing undue influence or threatening any person through the use of any telecommunications network.⁵¹ Throughout the month of November, several other actions were brought against individuals under Section 66(d) of the Telecommunications Law, as described below.

Wai Yang Kaung, who is in charge of discipline and security of the NLD youth group in Katha, was charged under Section 66(d) with criticizing and insulting NLD Parliament members.⁵² A Buthidaung Township resident was arrested under Section 66(d) for sending allegedly "false information" about Rakhine State to a Rohingya Muslim group on Viber, an online messaging application, saying the "security forces tortured and killed Muslims in Buthidaung."⁵³ Nay Lin Aung Facebook account was brought to the Township Court to be sued under Section 66(d) of the Telecommunications Law for allegedly insulting State Counsellor Aung San Suu Kyi. Nay Lin Aung was arrested and charged under Section 66(d) for allegedly using several Facebook aliases to voice insulting comments about Aung San Suu Kyi's appearance.⁵⁴ A Facebook user was sentenced to six months in jail for faking the account of the chairman of Peace and Diversity Party, and using the account to insult government leaders on the social networking website.⁵⁵ The secretary of central research for the NLD, has been detained under Section 66(d) of the Telecommunications Law for defaming the Commander-in-Chief of the Defense Services after allegedly referring to the Commander-in-Chief as "shameless" in a series of Facebook comments.⁵⁶

Activists have argued that until Section 66(d) is amended or repealed, freedom of speech will remain illusory in Myanmar as peaceful speech will continue to be criminalized.⁵⁷ The Pen Myanmar, a local publication, issued a seven-point letter demanding that all cases under Section 66(d) of the Telecommunications Law be immediately dropped.⁵⁸ A civilian committee aiming

to reform the Telecommunications Law intends to submit its findings to the parliamentary Bill Committee within the next three months.⁵⁹ Parliament is not expected to repeal Section 66(d) entirely, but is expected to introduce some changes.⁶⁰

B. Freedom of the Press

The Yangon Region government filed a defamation suit under Myanmar's controversial Telecommunications Law against Eleven Media Group and its CEO, Than Htut Aung. The suit arose after the group published an accusation that Chief Minister Phyo Min Thein had accepted a luxury watch as a bribe from businessman Maung Weik, who had recently won a tender for a Yangon "new city" expansion project.⁶¹ Than Htut Aung and the news outlet's chief editor, Wai Phyo, were arrested, charged and transferred to the notorious Insein Prison after failing to voluntarily present themselves to police by the stipulated deadline.⁶² The police also arrested film director Mike Tee under the same Telecommunications Law for publicly discussing the regional government's lawsuit against Eleven Media Group.⁶³ At the first hearing of the case, the defendants' lawyers argued that bail should be granted for health reasons and that an expedited decision was necessary due to Than Htut Aung suffering a heart attack while in prison.⁶⁴ Judge Kay Thi Hlaing rejected the appeal for bail.⁶⁵ The defendant's next hearing is scheduled for December 9.⁶⁶

Myanma media stakeholders and legal experts stressed the need for enacting a proposed "Right to Information" law in Myanmar, highlighting the failure of government organizations to provide primary information and a lack of public awareness of this right.⁶⁷ Official government information is difficult to obtain, despite the News Media Law that is supposed to grant access to officials for journalists.⁶⁸ Additionally, no similar law yet exists to allow ordinary citizens such access.⁶⁹ A UK-based freedom-of-information lobby group has monitored Myanmar's legislative process for developments related to the "Right to Information" proposal but was unable to report any updated information regarding the bill's status in the legislative process.⁷⁰

C. Economic and Social Empowerment

The bodies of four Myanma citizens working on a construction site in Malaysia were found on October 30. It is reported that the four workers were abducted and murdered by a group of masked men.⁷¹ The local Malaysian police chief believes that the murders may have been linked to ongoing violence in Rakhine State, although Thiha Maung Maung, a Myanma migrant-rights activist, believes that the murders were personal and unrelated to any such extraneous factors.⁷² There have been a few incidents of violence towards Myanma migrant workers in Malaysia this year, including the three Myanma workers who were killed by a group of motorcycle riders in July.⁷³

III. Economic Development

A. Legal Framework and Foreign Investment

United Nations representatives and government leaders from Cambodia, Laos, Myanmar, Thailand and Vietnam gathered on Wednesday October 26 in Hanoi for three major summits to discuss further economic cooperation and how to boost their attractiveness as locations for investment, manufacturing and marketing.⁷⁴

Myanma officials continued other diplomatic efforts to facilitate trade and investment in the newly democratic country. Amidst declining trade between Myanmar and South Korea, officials from both countries say the completion of a free trade agreement should be a priority for the two nations. Speaking at a seminar to discuss trade between the two nations in Nay Pyi Taw, Union Commerce Minister Than Myint said that a recent drop-off in trade between Myanmar and South Korea meant more needed to be done on both sides to strengthen the commercial relationship.⁷⁵

Following her visits to China, the U.S. and India, Aung San Suu Kyi recently visited Japan as part of her whirlwind of foreign trips promoting her country as an investment destination and in the hopes of facilitating Japanese investment and trade relations to serve as a counterweight to China. Japan, for its part, is eager to seek opportunities in meeting Myanmar's extensive infrastructure needs.⁷⁶ Aung San Suu Kyi also visited Singapore, where she was accompanied by representatives from Myanmar's Ministries of Commerce and National Planning and Finance. Myanmar and Singapore are reportedly in negotiations on a bilateral investment treaty and the renewal of a memorandum of understanding on the Avoidance of Double Taxation agreement.⁷⁷ Myanmar has already entered into agreements with the neighboring countries of India, Thailand, China and Bangladesh to enhance border trade. The government has plans to negotiate with the countries concerned to open more border trade camps in order to increase border trade.⁷⁸

The first partnership meeting between the Ministry of Foreign Affairs of Myanmar and the U.S. State Department was held in November. Both sides discussed matters on the promotion of bilateral relations and cooperation between Myanmar and the U.S., including cooperation in trade and investment sectors.⁷⁹

A delegation of 32 Myanma business people traveled to Tokyo, Japan in November for a week-long trade trip led by finance minister Kyaw Win and newly-appointed president of the Union of Myanmar Federation of Chambers of Commerce and Industry ("UMFCCI") Zaw Min Win. Representatives from the banking, hotel and tourism, agriculture, electronics, and construction sectors met with their Japanese counterparts and attended the Myanmar Business Forum in Tokyo on November 8. "The Japanese government is investing a lot of money in Myanmar," said Dr. Maung Maung Lay, vice chairman of the UMFCCI. "Local business people related to infrastructure development projects funded by Japanese aid need to know how to work with Japanese companies. I hope that more business with Japan will follow."⁸⁰

Since the enactment of Myanmar's new Investment Law, reactions from the international community have been mixed. Scot Marciel, U.S. Ambassador to Myanmar, called the new Investment Law a "very important step" that will hopefully encourage more investors to consider Myanma opportunities.⁸¹ Conversely, Earth Rights International and other civil society groups are concerned that the legislative consultation period for the law was too short and the law itself is incomplete and too weak to secure responsible investment in many of the country's most critical industries. According to critics, Myanma lawmakers missed an opportunity to introduce, among other things, an investment framework that decentralizes decision-making power over large-scale investment projects and a mechanism to ensure that the voices of local communities affected by massive development projects are considered prior to the initiation of such projects. Critics also contend that the Investment Law fails to promote transparency in the Myanma

development process, which many see as a critical oversight in light of Myanmar's history of corruption in the natural-resource and other industries.⁸²

The Myanmar Investment Commission ("MIC") is currently working on guidelines that would allow foreign investors to avoid the time-consuming process of requesting permission from local government ministries to invest and begin development projects under the new Investment Law. The guidelines would create a centralized approvals process and would specify which business areas are off-limits to foreign investment, which require joint ventures with local companies, and which are generally open to unrestricted foreign investment.⁸³

According to a November report from the World Bank, electricity supply, land registration and access to credit are still serious obstacles for a new venture in Myanmar. However, the country continues to climb the World Bank's country rankings for ease of starting a business, having cut the cost of setting up a business by half in the last year and simplified registration. "Myanmar is steadily making progress in creating a business environment that will help the country sustain its strong pace of growth," said World Bank country manager for Myanmar Abdoulaye Seck. Senior World Bank operations officer Charles Schneider told media at a press conference for the report's launch that Myanmar had made progress and become more transparent. But more work is needed on supporting foreign trade, logistics and port operations, he added.⁸⁴

Since the Yangon Stock Exchange opened for trading in March 2016, only three companies have been listed on the exchange and only 20,000 investors have bought shares in the market. Regulators complain that those who do buy shares on the exchange often do so with a severe lack of information, relying on little more than rumors and group-think for their investment choices. While Myanmar's expected economic growth has been forecast at 8% for the coming year, shares of the three listed companies have generally been trading below their initial offering price levels. Myanmar is drafting legislation to allow foreign investors to invest on the Yangon Stock Exchange and to permit continuous trading on the exchange, rather than the current practice of conducting only two daily auctions. A fourth company, the First Private Bank, is scheduled to be listed on the exchange by the end of calendar year 2016, and a senior exchange official has predicted that approximately five new companies will join the exchange in each of the next five years.⁸⁵

B. Infrastructure and Major Projects

Recently, Myanmar has expanded its capacity for use of domestic telecommunications and mobile technologies. Although telecommunications firms must face a challenging licensing process in order to operate in Myanmar, the country's fourth telecommunications company is expected to become licensed and begin operations sometime in 2017.⁸⁶ While the new company would face stiff competition from the state-owned company MPT, as well as from established foreign firms, its government-linked shareholder, Star High Public Company, has access to many cellular towers in Myanmar, which will give the new company a significant competitive edge.⁸⁷

In the meantime, the existing telecommunications operators are continuing to invest in their networks to expand coverage and services, with priority given to improvements in cellular data coverage.⁸⁸ In late October, Myanmar telecommunications firm MPT rolled out fourth-

generation (“4G”) services for customers.⁸⁹ MPT is now offering customers 4G services in selected cities in Myanmar but plans to cover the entire country by next year. MPT is also planning to launch its own 4G smartphones to customers in Myanmar and additionally plans to offer existing 2G and 3G users a free 4G sim card.⁹⁰

The country’s first mobile financial service, Wave Money, has been expanding its business network to include more of Myanmar’s ethnic states.⁹¹ Wave Money has opened 4,000 shops around Myanmar to transfer money without the use of bank accounts. Currently, Wave Money is the only licensed mobile financial service in the country. However, the Central Bank has recently taken a more accommodating stance on its regulations and now allows customers to open mobile accounts and deposit and transfer money between these accounts.⁹² This decrease in regulation and expansion of mobile banking has the potential to expand banking access to many of Myanmar’s rural regions.

Myanmar has recently begun to expand local oil-refining businesses. In November, the Myanmar government announced that it will issue temporary oil refining licenses to local businesses for purposes of small-scale crude-oil refining.⁹³ The regulations associated with these licenses are expected to restrict applicants from receiving crude oil from any company other than those already authorized to carry out oil drilling.⁹⁴ Relatedly, a program supported by the United Kingdom government to strengthen the development of a modern, dynamic oil and gas sector in Myanmar is expected to be launched in December 2016, according to a joint press release from the British Embassy in Yangon and Aberdeen International Associates.⁹⁵

In late November, Myanmar’s President’s Office submitted a proposal to Parliament to borrow money to build the Thanlyin Bridge and the Twantay tunnel.⁹⁶ The Thanlyin Bridge would be a major transport infrastructure project and would support local and foreign businesses operating from the Thilawa Special Economic Zone.⁹⁷ The bridge would also promote socio-economic development for people living in central and southern Yangon. Similarly, the Twantay tunnel is expected to ensure smooth and secure water transport, and would promote a speedy flow of commodities in the region.⁹⁸

In early November, Japanese Prime Minister Shinzo Abe announced that Japan will provide Myanmar with \$8 billion in aid, loans, and investments to promote development and reconciliation in Myanmar.⁹⁹ Analysts in Myanmar have generally welcomed Japan’s assistance, seeing in the pledge promising potential for investments in large-scale manufacturing and infrastructure rather than extractive industries.¹⁰⁰ Japan has already facilitated upgrades in Myanmar’s railway lines, water supply networks, and other infrastructure networks and supported the improvement of Myanmar’s investment laws and policies.¹⁰¹

C. Land Seizures

In Yangon, a government official warned that a number of unofficial shanty towns in the area are at risk of triggering a gas line explosion.¹⁰² In one such shanty town, 104 huts and as many as 1,000 people are at risk.¹⁰³ These huts are built on or near pipelines which are reportedly old and deteriorating, and pose a risk of starting a fire or exploding.¹⁰⁴ Myanmar Oil and Gas Enterprise, the company responsible for maintaining the pipelines, has indicated that it does not have access to proper technology or funds to repair or replace the pipelines.¹⁰⁵ In

conjunction with the regional government, it has distributed pamphlets warning the public not to build on or live near pipelines, an effort which became especially relevant after a gas line explosion injured three people in February.¹⁰⁶ Residents are aware of the risks and have indicated that they live on the pipelines because they “have no [other] place to live” and that if they “had an alternative place to live [they] would move...at once.”¹⁰⁷

In Sittwe, more than 100 farmers staged a protest march to demand the return of seized land.¹⁰⁸ Protestors were upset that their land had been seized, built on and fenced off.¹⁰⁹ Protestors reportedly sent a letter of complaint to the relevant governmental officials who, despite promises that they would review the situation, have not taken any steps to resolve the issue.¹¹⁰ Instead, farmers reported that military officials had seized hundreds of additional acres of farmland and handed it over to businessmen.¹¹¹

IV. Ethnic Violence

A. Peace Talks

In spite of mixed reactions to the results of the 21st Century Panglong Peace Conference, and despite ongoing military offensives against ethnic armed groups, the NLD stressed its enduring commitment to a comprehensive peace process during a central committee meeting on November 12 at the party’s headquarters in Yangon.¹¹² The meeting brought together regional ministers, the speakers of parliament, members of the central executive committee and the central committee, and regional party heads.¹¹³ In his opening remarks, NLD official Tin Oo reiterated a theme articulated by Aung San Suu Kyi at the Panglong Conference that the NLD places paramount importance on the peace process for the economic and social progress of the country as a whole.¹¹⁴

Meanwhile, ethnic armed groups have renewed their criticism of the NLD’s approach to the peace process, especially with respect to what ethnic group leaders view as the rushed nature of the process and Aung San Suu Kyi’s lack of comment regarding a prolonged offensive carried out by the Myanmar military in Kachin State.¹¹⁵ While Aung San Suu Kyi emphasized at the Panglong Conference that her goal is to make the peace process as inclusive as possible, she has also stressed the importance of carrying the process forward in a timely manner.¹¹⁶

A follow-up Panglong Conference is planned for February 2017.¹¹⁷ Additionally, the Burmese government has stated that it intends to hold further peace conferences every six months until a national accord is reached, and the Union Peace Dialogue Joint Committee (“UPDJC”) plans to hold a series of political dialogues at the state and region levels to discuss a range of issues tied to the overall peace process.¹¹⁸ These UPDJC dialogues, expected to begin by the end of 2016, are envisioned as “pilot projects” that would help to identify weaknesses and challenges and to adapt the process to assure success.¹¹⁹ The dialogues will be divided into regional-specific and ethnicity-specific topics, as well as national topics, such as constitutional reform, federalism, rehabilitation and social wellbeing, regional infrastructure development, federal economy, land and natural resource management, and the prevention of natural disasters.¹²⁰ Other topics such as state security, strategic reunion and religious matters, will not be considered until the 2017 national Panglong Conference.¹²¹

It remains unclear whether the non-signatories to last year's nationwide ceasefire agreement ("NCA") will be invited to the follow-up Panglong Conference planned for February 2017.¹²² Armed group leaders have urged the government to allow non-signatory groups to attend these political dialogues, but such requests have often been opposed by senior government officials and officials in the Myanmar military.¹²³ Commander-in-Chief Senior General Min Aung Hlaing has stated that it would be inappropriate for non-signatory ethnic armed groups "to skip directly to the political dialogues" stage without first signing the NCA.¹²⁴ Aung San Suu Kyi has stated that the government "should make them [the non-signatories] have a sense of responsibility in this peace process."¹²⁵

Against the backdrop of escalating violence between ethnic armed groups and the Myanmar military in close proximity to the Chinese border, Beijing has taken a more active stance in supporting the Myanmar peace process.¹²⁶ In the wake of a joint attack by a coalition of ethnic armed groups against the Tatmadaw along a trade corridor in northern Shan State on November 20, which has had direct consequences for China with thousands of Myanmar civilians fleeing over the border and into China, a nine-member delegation from Myanmar including peace commissioner chair Tin Myo Win and generals of the Myanmar military was invited to Beijing to meet with Chinese Foreign Minister Wang Yi.¹²⁷ At the same time, a Chinese delegation comprised of military and foreign affairs officials traveled to the Burmese capital.¹²⁸ With these efforts, China, which has traditionally taken a more passive role mostly limiting itself to abstract statements of support, seems to be willing to take on the role of a more active mediator in the conflicts that surround the Myanmar peace process.

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- ¹ Southeast Asia Globe, November 21, 2016: <https://sea-globe.com/one-year-on-myanmar-elections/>.
- ² *Id.*
- ³ *Id.*
- ⁴ *Id.*
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ The Asahi Shimbun, November 3, 2016: <http://www.asahi.com/ajw/articles/AJ201611030051.html>.
- ⁹ *Id.*
- ¹⁰ The Washington Post, November 4, 2016: https://www.washingtonpost.com/world/asia_pacific/burmas-aung-san-suu-kyi-under-fire-as-alleged-military-abuse-follows-militant-attack/2016/11/03/06ef07ee-a04a-11e6-8864-6f892cad0865_story.html?utm_term=.2f566df9a5c7.
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ Myanmar Times, November 21, 2016, <http://www.mmtimes.com/index.php/national-news/23801-calls-for-transparency-mount-amid-weekend-cabinet-shake-up.html>. The relevant provision is section 235(c)(i), Constitution of the Republic of the Union of Myanmar (2008).
- ¹⁴ The Irrawaddy, November 21, 2016, <http://www.irrawaddy.com/news/burma/deputy-ministers-dismissal-sends-waves-political-circles.html>.
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- ¹⁶ *Id.*
- ¹⁷ Myanmar Times, November 11, 2016, <http://www.mmtimes.com/index.php/national-news/23616-tatmadaw-chief-defends-military-s-political-role-at-eu-meet.html>
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- ¹⁹ Myanmar Times, November 11, 2016, <http://www.mmtimes.com/index.php/national-news/23616-tatmadaw-chief-defends-military-s-political-role-at-eu-meet.html>
- ²⁰ Myanmar Times, November 28, 2016, <http://www.mmtimes.com/index.php/national-news/23927-legal-body-calls-for-constitutional-change.html>
- ²¹ *Ibid*
- ²² The Irrawaddy, November 2, 2016, <http://www.irrawaddy.com/news/burma/state-counselor-calls-for-corruption-complaints.html>.
- ²³ *Id.*
- ²⁴ The Irrawaddy, October 24, 2016, <http://www.irrawaddy.com/business/aung-san-su-kyi-woos-tycoons-in-navpyidaw-meet-up.html>.
- ²⁵ Myanmar Times, November 1, 2016, <http://www.mmtimes.com/index.php/national-news/yangon/23404-private-company-s-donation-to-yangon-region-government-prompts-questions.html>.
- ²⁶ *Id.*
- ²⁷ *Id.*
- ²⁸ *Id.*
- ²⁹ The Irrawaddy, November 2, 2016, <http://www.irrawaddy.com/news/burma/pyin-oo-lwin-township-administrator-arrested-for-abuse-of-power.html>.
- ³⁰ *Id.*
- ³¹ *Id.*
- ³² Myanmar Times, November 17, 2016, <http://www.mmtimes.com/index.php/business/23730-trade-gsp-can-t-make-profit-for-myanmar-in-short-term.html>.
- ³³ *Id.*
- ³⁴ *Id.*
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