

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MAY 2017 REPORT

Summary. This report reviews the May 2017 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

More than 50 local public prosecutors and a number of lawyers from Myanmar's government ministries, including the Union Attorney General's Office, attended a two-day "rule of law" workshop developed and hosted by LexisNexis. A team of international lawyers from Japan, Australia and Myanmar also attended the workshop and presented on various legal topics.¹ The workshop was principally designed to train local lawyers on the subject of international contract law, a field with which few of the attendees had previously had experience but which is becoming increasingly important as Myanmar continues to expand its economic exposure to international markets.² In addition to this workshop, LexisNexis also said that it intends to roll out another project offering local Myanmar law schools access to online legal training.³

The East Asia Forum published an editorial critiquing Myanmar's transition toward a true democracy, highlighting three key areas of concern that the government, led by the National League for Democracy ("NLD"), needs to address in order to facilitate the democratic transition.⁴ Two of the key obstacles—the constitutional and bureaucratic entrenchment of the military and unresolved nationwide ethnic violence—feed into one another, as State Counsellor Aung San Suu Kyi's failure to reconcile ongoing ethnic conflicts lends legitimacy to the military's claim of untouched authority over areas of national security and related spheres of governance.⁵ In addition, unless Aung San Suu Kyi can rehabilitate her relationships with ethnic groups such as the Mon community and the Rohingya, the NLD is likely to face political and electoral backlash from such groups as demonstrated in the results of the April by-election.⁶ The third obstacle is the "culture of loyalty" still inherent in the Myanmar government and in the NLD, wherein decisions are made almost exclusively from the top down and strong deference is given to the highest-ranking members of the party (particularly to Aung San Suu Kyi herself).⁷ The absence of intraparty delegation of authority means that junior constituents have little to no sway over the NLD's policymaking, which could lead to alienation and disenfranchisement in addition to stagnation.⁸

B. Official Corruption, Sanctions and the International Community

Official Corruption

In a press conference held on April 28, the Director General of the Ministry of State Counsellor's Office, Zaw Htay, urged the Myanmar public to be patient in the fight against corruption.⁹ The Director General stated that even those countries that achieve fast progress in fighting corruption need at least a decade to fully eradicate the problem. By contrast, Myanmar's current efforts against corruption have only been underway for approximately six years.¹⁰ While the former government had formed an anti-corruption commission, complaints were initially limited to cases involving 300,000 kyat or more.¹¹ The NLD government has opened corruption complaint centers and also allows complaints to be reported directly to the State Counsellor's Office.¹²

At the same press conference, the Director General pointed to the increasingly important role of the media in the battle against corruption, noting the increased awareness of the issue amongst the Myanmar population.¹³ Highlighting this link between the fight against

corruption and a free media, the Ministry of Information organized a workshop on public service media at the end of April.¹⁴

At a separate press conference, Union Auditor General Maw Than described the procedures designed to avoid interference in the work of the 5,202 employees of the Myanmar's state and regional audit offices.¹⁵ The auditor teams work in rotation between the various governmental departments they are auditing, and must observe strict limitations on interactions with the officials they are auditing.¹⁶ Asked about the mission of the Auditor General's Office, Auditor General Maw Than noted that while his office has the authority to audit the State Budget, it has no legal mandate to check any individual's or any organization's accounts. For such accounts to be audited, the auditors must receive instruction from the President's Office or other higher political authority.¹⁷ The Auditor General also stated that his office relied on tips from the public to successfully do its work, and that tips from the public had enabled them to uncover a recent oil funds embezzlement case involving the former Magwe Region Chief Minister.¹⁸

In this high profile case, investigations revealed that approximately 7.5 billion kyat (approximately US\$5.52 million) was missing from a government fund.¹⁹ Investigators ultimately determined that Magwe Region's ex-Chief Minister Phone Maw Shwe had misappropriated 1.7 billion kyat in cash and a number of vehicles to the Union Solidarity and Development Party ("USDP") in violation of election laws, and had further misappropriated over 1.57 billion kyat to the Shwe Thuka Microcredit Association.²⁰

Director General Zaw Htay stated that while the former Chief Minister's actions were punishable, the NLD government would not take retroactive legal action against him for fear of risking the country's process of democratization.²¹ However, the NLD issued a request to the former Chief Minister for a return of all misappropriated funds, with an implied threat of legal action should the funds not be returned. Following the NLD's request to return the funds, the current chief minister of the Magwe region, Aung Moe Nyo, confirmed that 8 billion kyat were received in the Magwe regional government's bank account.²²

In the wake of the unveiling of misappropriation of regional development funds by the former regional governments in the Magwe and Irrawaddy Regions, the Mandalay regional government issued a statement at the end of May saying that it, too, was now looking into the use of regional development funds handed over by the previous administration.²³ As the Mandalay Region is the largest business hub in central Myanmar, the interest in its government's investigations, which are led by the current chief minister, is particularly high.²⁴ Mandalay's ex-cabinet was widely criticized for alleged corruption, embezzlement and failure to properly vet several development and investment projects.²⁵

Sanctions and the International Community

According to a news report released in May, the International Finance Corporation ("IFC"), the private-sector lending arm of the World Bank, is considering providing funding for a cement factory project in Mandalay Region. The construction of the cement factory would be led by a company that is majority owned by the family of Aik Htun, a businessmen against whom the U.S. government and the European Union had in previous years administered

economic sanctions.²⁶ Aik Htun previously co-founded and served as vice chairman of the Asia Wealth Bank, which was placed under U.S. sanctions in November 2003 by the Bush Administration due to money laundering concerns.²⁷ In the context of the sanctioning, Aik Htun was described by the U.S. government as being “specifically identified as having connections with Burma’s narcotics trade” and as being “affiliated with prominent organizations and figures in the drug trade, including members of the Kokang ethnic group headed by notorious drug lord Peng Chia-Sheng.”²⁸ In an interview given to the Financial Times in November 2015, Aik Htun denied all such allegations and attributed them to mere rumors invented by those envious of his success.

While the IFC’s board of directors has yet to decide whether it will fund the project in question, its involvement with the company controlled by Aik Htun is seen by commentators as a test case for possible future involvement with firms and individuals who were previously targeted by sanctions for alleged connections to the former military regime or drug trafficking.²⁹

II. Civil and Political Rights

A. Freedom of Speech and Assembly

The use of Article 66(d) of the Myanmar Telecommunications Law to silence critics of the government and military continues to pose a significant risk to freedom of speech in Myanmar. Article 66(d) imposes fines and up to three years’ imprisonment for, among other things, “defaming, disturbing, causing undue influence or threatening any person using a telecommunications network.” The Article permits any person to file a criminal complaint, regardless of whether such person was the target of the offending communication.

A human rights activist was recently arrested on charges brought by the Myanmar military under Article 66(d). Tun Tun Oo, leader of the Human Rights Activists Association, live-streamed via Facebook a high school play which was critical of the military response in clashes with ethnic armed forces.³⁰ Nine of the students involved in the drama were similarly charged in January 2017, seven of whom were acquitted and the remaining two are awaiting trial.

Observers have continued to call for Article 66(d) to be abolished, but any progress in the Myanmar Parliament has been slow. The Attorney General’s Office is reviewing, and has preliminarily approved, amendments proposed by the Ministry of Transport and Communications to grant bail to suspected violators of the law.³¹ In its current form, Article 66(d) does not expressly permit bail, resulting in courts routinely denying bail to those accused.³² Following the Attorney General’s review, the suggested amendments will be provided to the Myanmar government and Parliament.³³

In an open letter to the Attorney General, Human Rights Watch expressed their concerns over the law, calling for its abolition or thorough amendment to curtail use for political motives. Human Rights Watch raised a number of concerns with respect to the law, including:

- the law’s vague language, including with respect to the type of speech covered by restrictions and the meaning of phrases such as “causing undue influence”;

- the law’s use of criminal sanctions for defamatory speech, usually considered elsewhere as a civil matter;
- the law’s lack of a presumption of bail for speech-related offences;
- the ability of private persons to file criminal complaints under the law, rather than permitting only government prosecutors to bring criminal charges under the law; and
- the fact that Article 66(d) is duplicative of other criminal laws in force in Myanmar.³⁴

B. Freedom of the Press and Censorship

Article 66(d) of the Telecommunications Law continues to be used against journalists in retaliation for articles critical of the government or military.

The editor and a columnist of independent Myanmar newspaper, The Voice, have each been detained on criminal charges brought by the Myanmar military under Article 66(d).³⁵ The claims relate to an article which mocked a military propaganda film, with the military claiming that the article ‘offended the dignity of the armed forces. The arrests were made despite an apology released by The Voice on May 14, 2017.³⁶

The screening of a documentary by Global Witness, which offers a critical view on the military’s role in Myanmar’s jade business and its implications for the peace process, was abruptly cancelled by the Park Royal Hotel, Yangon.³⁷ The hotel blamed a lack of local government permission to continue with the screening, while the Global Witness campaign leader linked the cancellation to fears of ramifications associated with the documentary’s critique of senior military figures.³⁸ The documentary, entitled “Jade and the Generals,” remains available online.³⁹

C. Economic and Social Empowerment

On May 5, women from Pa-O, Chin, Kachin and Mon ethnic groups came together at a conference on gender-based discrimination titled “Gender and Culture: Redefining Peace and Politics by Women” at the Summit Parkview Hotel.⁴⁰ The participants shared personal stories and research focused on a few key issues, including: denial of the right to own property; forced marriage; bribery to stay silent regarding rape and domestic violence; forced sex work; and the unique needs of female garment workers, who face discrimination and lack of safety, both in the workplace and in the community.⁴¹ Lack of safety is not unique to garment workers, however—after being sexually harassed on a public bus on the way to her hospital internship, a 22 year-old medical student conducted a local survey of women regarding sexual harassment on public transportation and discovered that over 80% had experienced some level of harassment or assault.⁴² Despite the existence of laws against sexual harassment, enforcement is weak and this contributes to the continued economic marginalization of women in Myanmar.⁴³

In spite of continued government efforts regarding women’s health topics, including education around sex and reproductive health, a social media video produced by Myanmar Media 7 news received harsh criticism for its portrayal of a young woman dancing at a nightclub

and going on dates with a few men before becoming pregnant and finally opting for an abortion, which is still illegal in Myanmar.⁴⁴ The video provided no information about how to prevent pregnancy, instead implying it was a result of a young woman failing to follow restrictive societal conventions. It also confused the difference between a medical termination and surgical termination, ending with the young woman in physical and emotional pain after being forced to look at the aborted fetus.⁴⁵ On a hopeful note, social media responses to the film included many women objecting to the sexism and erroneous information presented, defending their right to receive accurate and unbiased reproductive health education.⁴⁶ Myanmar's 2014 census found that 282 women die for every 100,000 births—a figure that is double the regional average and more than ten times the mortality ratio in neighboring Thailand, starkly demonstrating the need for better family planning and reproductive health services in the country.⁴⁷

III. Economic Development

A. Legal Framework and Foreign Investment

The Central Bank of Myanmar is looking into establishing a credit bureau to collect and assess credit data on local companies, with the intention of providing such credit data to local banks for use in connection with lending decisions.⁴⁸ According to the World Bank and the IFC, the percentage of local companies in Myanmar receiving investment support from local banks is the lowest among all ASEAN countries.⁴⁹ This low number is due to the high risk levels for banks to extend loans to companies for which the banks do not have much credit information.⁵⁰ The IFC has successfully supported the Central Bank of Myanmar in developing credit reporting regulations, which was viewed by many as a key step in building a modern financial infrastructure to improve access to credit for consumers and small businesses in the country.⁵¹ The credit reporting regulations developed by the Central Bank of Myanmar are considered to be in line with international best practices.⁵²

On April 27, the World Bank approved a US\$200 million credit for a First Macroeconomic Stability and Fiscal Resilience Development Policy Operation—a program to assist the government of Myanmar with reforms addressing rising inflation, public debt sustainability, efficiency of government spending and tax collection, as well as to provide long-term concessional financing for critical public investments.⁵³ The Myanmar government has focused in recent months on development programs that would promote the country's agriculture industry under its five-year development plan, most recently committing to extend 1.9 trillion kyats (approximately US\$1.4 billion) in agricultural loans to farmers in 2017-2018.⁵⁴

Roland Kobia, the first resident ambassador of the European Union to Myanmar, said that European companies find it difficult to invest in Myanmar because the country presents numerous problems in terms of political, legal and economic environments.⁵⁵ Although Mr. Kobia noted that progress has been made and that the core business risks have lowered significantly, the communication between the private companies and the Myanmar government is not on point yet which holds back European companies that are ready to help and give technical assistance in Myanmar.

The French Myanmar Chamber of Commerce and Industry and the Union of Myanmar Federation of Chambers of Commerce and Industry signed a memorandum of

understanding on May 5 to strengthen their partnership with a focus on supporting Myanmar small businesses.⁵⁶ The memorandum of understanding between the French and Myanmar chambers mainly focuses on commitments to regularly consult with each other, exchange financial information and encourage French investments in Myanmar.

Myanmar and China recently signed five memoranda of understanding on the establishment of the China-Myanmar Border Economic Cooperation Zone.⁵⁷ The signing of the memoranda of understanding took place during Aung San Suu Kyi's recent visit to China to attend the Belt and Road Forum for International Cooperation.⁵⁸ According to Zhao Jianglin, an expert on Southeast Asia affairs at the National Institute of International Strategy under the Chinese Academy of Social Sciences, the project is expected to increase border trade and provide job opportunities for citizens of Myanmar.⁵⁹

Although domestic banks are concerned about the arrival of foreign banks in Myanmar, local businesses are lobbying the government to open up the financial sector for foreign banks to provide more access to capital which will provide more growth opportunities to local businesses.⁶⁰ In other ASEAN countries, foreign banks enjoy equal rights along with local banks.⁶¹ In Myanmar, however, unless foreign banks set up a joint venture with a domestic bank, they are only allowed to open accounts for foreign investments and are not allowed to offer financial services to local businesses.⁶² Central Bank of Myanmar Director General Win Thaw says that permits for foreign banks to operate freely in Myanmar may be forthcoming, but would not be issued for some time. Win Thaw expressed confidence that by the time that the foreign banks become fully operational, the Myanmar banking sector will have improved and domestic banks will have achieved the technology and the level of finance necessary to compete. According to Mr. Thaw, the development of the Myanmar economy will benefit when foreign and domestic banks cooperate in terms of technology and capital.⁶³

B. Infrastructure and Major Development Projects

In May, Myanmar held its first transportation conference to discuss transportation sector reforms and infrastructure projects. Kyaw Myo, the deputy minister for transportation and communications in Myanmar, said that the country would focus not only on developing infrastructure but also implementing reforms as recommended by the Asian Development Bank, which has supported strengthening transport sector policies in Myanmar.⁶⁴ Significant reform proposals included merging the various ministries related to transportation into a single Ministry of Transport, allowing private companies to manage the major international airports in Myanmar under public-private partnerships and improving water transportation along major river systems in Myanmar.⁶⁵

The governments of Thailand and Myanmar are set to restart development of the Dawei Deep-Sea Port and Special Economic Zone. In 2008, the two countries signed a memorandum of understanding to develop a massive land area and a beach in Myanmar's Tanintharyi region into the Dawei Deep-Sea Port and Special Economic Zone. The complexities of the project and local resistance in Myanmar stalled work, but the government in Myanmar has recently assigned a team to oversee the project and has started making progress on planning works.⁶⁶ The project will be divided into two investment phases, with the first concentrated on developing a small industrial zone with areas for factories, a small port, a power plant and a

residential area for workers.⁶⁷ Despite the progress, government officials have said that the project still may take 20 years to reach completion. The project also remains controversial, and many locals believe that the project will only be beneficial to foreign investors and not the local communities in Myanmar.

India, Thailand and Myanmar are working on constructing a 1,400 kilometer highway that would link Myanmar with other Southeast Asian countries by land for the first time in decades. According to proponents of the highway construction project, the project will boost trade, business, health, education and tourism among the countries. Officials have said that they will probably start work on the stretch from Meghalaya to Myanmar next month.⁶⁸ The governments of India and Myanmar are also planning a waterway connection between Myanmar and Bangladesh using the Brahmaputra river and expect the project to be completed before 2018.⁶⁹

In May, Uber arrived in Myanmar. So far, Uber services have only been initiated in Yangon, one of Myanmar's major cities.⁷⁰ Although Uber has received initial backlash from local taxi companies in other countries where it has started operations, the lack of an established taxi association in Yangon has made the transition to using Uber relatively smooth in the city.⁷¹ The arrival of Uber is expected to support economic development in Myanmar by creating economic opportunities in Myanmar through job growth, and also by creating cheaper and more reliable transportation services in Yangon.

C. Land Seizures

In Magwe Region, farmers continued to seek compensation for damage that occurred to their land and crops when the Myanmar-China oil pipeline was built five years ago.⁷² Despite continuing to write letters and participate in meetings, the farmers have not yet received any compensation for such damage.⁷³ In 2012, a government land-and-crop-compensation group visited the Magwe Region, but did not visit the specific areas where crops were damaged.⁷⁴ In 2014 and again in 2016, farmers were offered a small form of financial assistance.⁷⁵ However, the farmers refused this offered assistance, demanding instead full compensation for the crop damage.⁷⁶

In Mon State, four villagers found sowing seeds on disputed land were arrested on May 23.⁷⁷ The villagers were planting rubber, teak, pyinkado and mahogany trees on the land.⁷⁸

Farmers near Inle Lake recently filed a complaint to oppose applications by certain local businesses seeking to obtain official land ownership documents for 620 acres of land seized by the government in 2012.⁷⁹ In 2012, the 620-acre plot was confiscated for a proposed hotel zone.⁸⁰ The hotel property was never developed, however, and the local government later sold off the seized land to local business owners.⁸¹ While some of the aggrieved farmers are seeking to have their portion of the land returned, others are seeking monetary compensation on the basis that their land has been damaged by new roads constructed across the plot.⁸²

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

In a press conference during her visit to the European Union, Aung San Suu Kyi rejected the recent decision by the UN Human Rights Council to investigate allegations of crimes by Myanmar's security forces against minority Rohingya Muslims.⁸³ She denied suggestions that she or Myanmar authorities are deliberately overlooking atrocities, and claimed that they have been investigating and taking action.⁸⁴

Later in May, the Myanmar military announced that its own investigation into allegations of ethnic cleansing uncovered no wrongdoings.⁸⁵ The military claimed that the results of its investigation, led by army chief Aye Win, showed that the UN's allegations were "false and fabricated."⁸⁶ The military's report has been roundly criticized following the extensive reporting of human rights abuses in the Rakhine State by international media.⁸⁷ Human Rights Watch has claimed that the military's failure to find its troops responsible for any serious abuses against ethnic Rohingya demonstrates the urgent need for Myanmar's government to allow unfettered access to the UN international fact-finding mission.⁸⁸

Earlier in May, nationalists led by the Patriotic Monks Union ("PMU") raided homes in a Yangon district with a large Muslim population, igniting scuffles that were only broken up when police fired shots into the air.⁸⁹ Police arrested two people involved and were looking for more participants.⁹⁰ Leaders of the PMU said they were acting independently of the Ma Ba Tha, a larger radical Buddhist and anti-Muslim organization.⁹¹ Ma Ba Tha also denied involvement with the incident.⁹² The confrontation caused at least one injury.⁹³ Amid increasing tension between the government and prominent members of the nationalist cause, Sangha Maha Nayaka, a group of Myanmar's senior Buddhist clergy leaders, banned Ma Ba Tha on May 23, 2017.⁹⁴ Following a meeting in Yangon on May 28, Ma Ba Tha announced that it will not use the name "Ma Ba Tha" anymore respecting and obeying the Sangha Ma Ha Nayaka Committee's statement.⁹⁵ But the organization will change its name to Buddha Dhamma Parahita Foundation and will continue with its current formation and activities.⁹⁶

New evidence has emerged indicating human rights abuses by the Myanmar army, such as photos showing Rohingya refugees, including children, bearing bullet wounds and burn scars apparently sustained during a Myanmar army crackdown.⁹⁷ This evidence adds credence to claims that Myanmar's military committed atrocities against ethnic Rohingya communities during a counterinsurgency campaign that ended this year.⁹⁸ A new video has also been posted on Facebook showing Myanmar soldiers kicking, beating and threatening to kill six ethnic villagers as they were handcuffed on the ground.⁹⁹

Approximately 300 civilian individuals from ethnic minority groups crossed the border from Chin State to Mizoram, India on May 19, 2017, fleeing alleged violence by the Arakan Army ("AA").¹⁰⁰ The refugees were mostly women and children who were driven out of their communities by the AA, while most of the males in the affected communities were not permitted to flee.¹⁰¹ The Mizoram government said it would permit the refugees to stay in for several days before it would look to the Indian union government for assistance.¹⁰²

UNICEF issued a Child Alert this month, recognizing the progress made by the Myanmar government in improving children's health, education and protection.¹⁰³ However, it also says that children in remote parts are yet to benefit.¹⁰⁴ UNICEF urged the Myanmar government to provide better humanitarian access to an estimated 2.2 million children affected

by violence, including not only for children in troubled Rakhine state, which has attracted international media attention, but also for children in other conflict-affected areas such as Kachin, Shan and Kayin States.¹⁰⁵

B. Peace Talks

After numerous postponements, the second round of the 21st Century Panglong Conference (the “Panglong Conference”) was held from May 24 to 29. The conference was attended by the eight signatory groups to the Nationwide Ceasefire Agreement (“NCA”), as well as representatives from the Myanmar National Democratic Alliance Army (“MNDAA”), the Ta’ang National Liberation Army (“TNLA”) and the Arakan Army (“AA”), who attended as “special guests.”¹⁰⁶ The Federal Political Negotiation Consultative Committee (“FPNCC”) also attended as a special guest, despite calling for the replacement of the NCA.¹⁰⁷

Earlier in May, ethnic armed groups had continued their peace negotiations with the Myanmar government in the run up to the second round of the Panglong Conference. In the second week of May, the government’s Union Peace Commission met with a delegation of representatives from seven ethnic armed groups to discuss a nine-point proposal advanced by the United Nationalities Federal Council (“UNFC”), the coalition representing ethnic armed groups in the ongoing peace negotiations.¹⁰⁸ During the talks, a member of the Union Peace Commission said the delegation had proposed some changes to the ceasefire terms that were agreed to in previous discussions that took place in March 2017 in Yangon.¹⁰⁹

The Union Peace Dialogue Joint Committee (“UPDJC”) met on May 12 in Nay Pyi Taw and agreed to put forward a policy proposal at the second round of the 21st Century Panglong Conference (the “Panglong Conference”) that would allow states and regions to adopt their own constitutions in the future.¹¹⁰ The proposal was aimed at promoting federalism and self-determination, both key issues for the UNFC.¹¹¹

In the weeks prior to the second round of the Panglong Conference, there were a number of questions and debates regarding attendance at the conference, especially with respect to whether non-signatories to the NCA would be invited or attend. In May, the UPDJC decided to invite the non-signatories to attend the Panglong Conference as “special guests.”¹¹² According to government sources, these “special guests” would essentially be observers at the Panglong Conference.¹¹³ Under the government’s publicly announced criteria, observers would be permitted to submit papers to the conference, but would not be permitted to take part in, interrupt or give recommendations during debates and would not be able to vote on any decisions.¹¹⁴ Political commentators criticized the classification of non-signatories as special guests, calling for full participation rights to be granted to them.¹¹⁵ The Union Political Negotiation Committee (“UPNC”), a Wa-led ethnic group coalition, issued a statement on May 17 urging the government not to impose restrictions on who may attend the conference, while indicating that its members were willing to attend the conference as a collective unit, rather than individually.¹¹⁶

Ultimately, as noted above, several non-signatories did attend the Panglong Conference under this “special guest” status. The Chinese government has been credited as being instrumental in securing the attendance of groups operating in northern and eastern Myanmar at the Panglong Conference, particularly after China’s foreign ministry’s Asian affairs

committee's special envoy, Sun Guoxiang, met with the UPNC several times and met with the Tatmadaw commander-in-chief senior general Min Aung Hlaing and state counsellor Aung San Suu Kyi just before the conference.¹¹⁷ The TNLA and AA released a statement stating that they would attend the conference at the request of the Chinese government to constructively cooperate in Myanmar's peace process despite their call for the replacement of the NCA.¹¹⁸

At a press conference held on May 17 after a two-day peace workshop, a number of civil society groups issued a statement calling for broader civilian inclusion in the national-level peace dialogues and requesting cooperation from the government in relation to the humanitarian assistance provided by the groups to internally displaced persons.¹¹⁹

In a speech during the opening ceremony of the Panglong Conference, senior general Min Aung Hlaing criticized demands made by armed ethnic groups and reiterated that the only peace process to be followed would be one based on the NCA.¹²⁰

Discussions at the conference were dominated by disagreement regarding the inclusion of a "non-secession from the union" commitment as one of the basic principles of the peace agreement.¹²¹ The Tatmadaw requested ethnic armed groups to pledge that they would not secede from the national union, but the armed groups argued that the insistence on such a commitment indicated that the parties did not trust each other.¹²²

On the third day of the conference, the government's Union Peace Commission met with the FPNCC in a hastily-called meeting outside the conference.¹²³ Dr Tin Myo Win, head of the Union Peace Commission, did not give details about the meeting but thanked the FPNCC for attending the conference and thanked the Chinese government for helping to convince the FPNCC to attend.¹²⁴ The FPNCC has still, however, refused to sign the NCA.¹²⁵

The parties ultimately reached agreement on 37 issues discussed at the Panglong Conference.¹²⁶ The agreed points formed the "Union Peace Accord," which was signed on May 29.¹²⁷ The Union Peace Accord included agreements on issues related to sovereignty and the protection of equal political and social status of all ethnic nationalities, as well as the protection, preservation and promotion of ethnic languages, literatures, traditions and cultural heritages. The agreement also includes provisions related to the delegation of power to the legislative, executive and judiciary branches of government, as well as the sharing of these three branches amongst the national government on the one hand and the states and regions on the other hand. The parties failed to reach agreement on several issues including those related to non-secession and self-determination, but agreed to continue discussions at the next round of the Panglong Conference, which is scheduled to be held in approximately six months.¹²⁸

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- 4 East Asia Form, May 29, 2017: <http://www.eastasiaforum.org/2017/05/29/myanmars-hard-road-to-democracy/>.
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- 6 *Id.*
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- 8 *Id.*
- 9 Cf. Myanmar Times, May 01, 2017: <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/25795-corruption-takes-time-to-eradicate-dg-state-counsellor-s-office.html?tmpl=component&print=1&layout=default&page=>
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- 11 *Id.*
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- 18 *Id.*
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- 25 *Id.*
- 26 The Irrawaddy, May 19, 2017: <https://www.irrawaddy.com/opinion/guest-column/world-bank-arm-considering-support-for-businessman-linked-to-blacklisted-bank.html>
- 27 *Id.*
- 28 *Id.*
- 29 *Id.*
- 30 The Irrawaddy, June 5, 2017, <https://www.irrawaddy.com/news/burma/human-rights-activist-charged-under-article-66d-for-live-streaming-a-satirical-play.html>
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