

NOVEMBER 2019 AT A GLANCE

The Gambia accuses the Government of Myanmar of genocide against the Rohingya. Representing the 57-nation Organization of Islamic Cooperation, the Gambia filed a lawsuit with the International Court of Justice against Myanmar. State Counsellor Aung San Suu Kyi will head the defense team. (Pages 1-2)

The International Criminal Court (ICC) authorizes an investigation into crimes against the Rohingya. The ICC claims that because some of the alleged crimes occurred on the Bangladeshi border and Bangladesh is a signatory to the Rome Statute, it has jurisdiction over all past and future crimes committed by the Tatmadaw against the Rohingya. (Page 2)

The Arakan Army releases many hostages that were detained last month. A Chin lawmaker, however, remains a hostage on suspicion of working with the Tatmadaw. (Page 6)

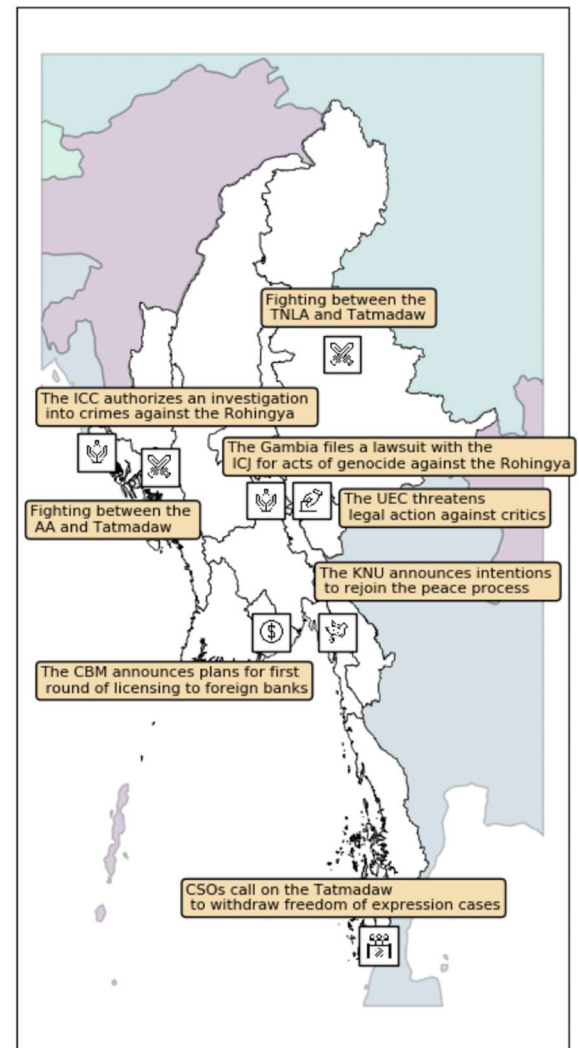
Fighting between the Tatmadaw and Shan ethnic armed organizations continues. The Ta'ang National Liberation Army allegedly attacked the Lashio airport while the Restoration Council of Shan State is suspected of killing three village headmen. The Tatmadaw is accused of firing on villages and using civilians as human shields. (Pages 7-8)

The Union Election Commission (UEC) warns political parties against criticizing its work. In a statement released this month, the UEC threatened legal action against the Union Solidarity and Development Party and 19 other parties for spreading "falsehoods." (Pages 9-10)

Senior General Min Aung Hlaing warns against disrupting stability under the 2008 Constitution and raises fears that the military may undermine the 2020 election. In an interview with Japanese media outlet *Yomiuri Shimbun*, Commander-in-Chief Min Aung Hlaing spoke against constitutional reform and called into question the validity of the 2020 election should there be low turnout. (Pages 10-11)

The Central Bank of Myanmar announces plans for the first round of licensing to foreign banks. The plan is expected to liberalize the banking sector, but some economists doubt it will be enough to bring much-needed capital into Myanmar. (Page 13)

Overseas employment agencies can apply for formal remittance licenses. The reform is expected to help the Government of Myanmar track how much money is entering the country. (Pages 13-14)



SOCIAL ISSUES

- The Gambia files a lawsuit with the International Court of Justice (ICJ) against Myanmar, accusing the Government of Myanmar of committing genocide against the Rohingya.
- The International Criminal Court (ICC) authorized an investigation into the alleged crimes against the Rohingya.
- A lawsuit is filed in Argentinian courts against military and civilian leaders for contributing to the genocide of the Rohingya.
- Forty-six Rohingya are said to have voluntarily returned to Rakhine State from Bangladesh in early November.
- Bangladesh's plan to move Rohingya refugees to Bhashan Char is delayed.
- Myanmar civil society organizations (CSO) call on the Tatmadaw to withdraw cases related to freedom of expression.

ROHINGYA CRISIS

This month, two lawsuits were filed against Myanmar for committing genocide, and the ICC authorized an investigation into the Tatmadaw's alleged crimes against the Rohingya. Regardless of the outcomes, these are landmark cases attempting to hold Myanmar accountable for its actions and represent tangible steps toward compelling Myanmar to uphold truth-seeking, reparations, and institutional and social reform.ⁱ

THE GAMBIA FILES A LAWSUIT AGAINST MYANMAR

The Gambia, acting on behalf of the 57-nation Organization of Islamic Cooperation, filed a lawsuit in the International Court of Justice (ICJ) against Myanmar, accusing it of committing genocide against the Rohingya.ⁱⁱ The lawsuit

requests that the ICJ order Myanmar to immediately cease any genocidal acts against the Rohingya while the ICJ determines whether or not it has jurisdiction in this case.ⁱⁱⁱ

Hearings will be held December 10-12 in The Hague. State Counsellor Aung San Suu Kyi will head the legal team in Myanmar's defense, a task she reportedly decided to take up herself.^{iv} This high-profile defense of Myanmar's actions could further stain her reputation abroad.^v Since the military has little capacity to defend themselves at the ICJ, there is speculation about this move being Aung San Suu Kyi's way of incurring some bargaining power with the Tatmadaw as the NLD tries to amend the 2008 Constitution.^{vi}

Though this legal process will likely take years to complete, it will be the first time the ICJ has investigated genocide claims without first relying on findings from other tribunals.^{vii} The ICJ cannot prosecute individuals and has no means of enforcing rulings, and therefore Myanmar may ignore the coming ICJ ruling if not in their favor, but to do so would likely further damage Myanmar's reputation.^{viii}

Following the ICJ announcement, the *Myanmar Times*, *Karen News*, and *Bangkok Post* reported that government peace negotiators and the ten EAOs that are signatories of the Nationwide Ceasefire Agreement (NCA) agreed to help the country counter the accusations of genocide. The news articles quoted Colonel Khun Okkar of the Pa-O National Liberation Organisation "attacks against Myanmar by the international community undermine the country's transition to democracy."^{ix}^l

Several EAOs have since denied claims that they support the Government. On November 25, the

¹ Signatories to the Nationwide Ceasefire Agreement include: Karen National Union, New Mon State Party, PA-O National Liberation Organization, Democratic Karen, Benevolent Army, Restoration Council of Shan State, Chin National Front, All Burma Students' Democratic Front, Arakan Liberation Army, Karen National Liberation Army Peace Council, and Lahu Democratic Union.

Karen National Union (KNU) – an NCA-signatory – released a statement refuting the media reports stating that it had not agreed to help the Government counter the ICJ lawsuit, and calling on the Government to abide by international norms. According to the KNU, the ten EAOs at the meeting did not take a collective position in support of the Government, and Khun Okkar was not speaking for the NCA-signatories.^x

On November 28, the Arakan Army (AA), Ta'ang National Liberation Army (TNLA), and the Myanmar National Democratic Alliance Army, three of the four EAOs that make up the Northern Alliance, released a statement in support of the ICJ. In the letter, the three EAOs said, “We the Brotherhood of MNTJP/MNDAA, PSLF/TNLA, ULA/AA stand ever ready to cooperate and collect evidences of war crimes by the Myanmar military. Our Brotherhood stands in full support of the international organizations that have taken the genocide and war crimes by the Tatmadaw (Myanmar Army) to the ICJ and ICC.”^{xi}

The United Wa State Army (UWSA) and the National Democratic Alliance Army issued statements in support of the Government.^{xii} In its statement, the UWSA argues that the issues in Rakhine State are complicated and interference by the international powers will only make the issue worse.

LAWSUIT AGAINST MYANMAR LEADERS FILED IN ARGENTINE COURT

The Burmese Rohingya Organisation UK (BROUK), represented by Tomás Ojea Quintana, a prominent Argentinean human rights lawyer and the former United Nations Special Rapporteur on the situation of human rights in Myanmar (2008- 2014), and with support of two

prominent human rights organizations, filed a lawsuit in Argentinian courts against military and civilian leaders, including Commander-in Chief, Senior General Min Aung Hlaing and Aung San Suu Ky for contributing to genocide against the Rohingya.^{xiii} The case cites the concept of “universal jurisdiction,” which allows individuals to be prosecuted for certain grave crimes regardless of where the crime is committed or the nationality of those involved.^{xiv} The lawsuit may be aided by the work of the Independent Investigative Mechanism for Myanmar (IIMM), currently underway.^{xv}

INTERNATIONAL CRIMINAL COURT AUTHORIZES INVESTIGATION

On November 14, the ICC authorized an investigation into the alleged crimes against the Rohingya, which stemmed from a request submitted in July by ICC Prosecutor, Fatou Bensouda.^{xvi} Myanmar is not a party to the Rome Statute and is therefore traditionally outside of ICC jurisdiction.² However, the ICC determined that it has jurisdiction in this case because Bangladesh is a signatory and the crimes, including forced displacement, systematic acts of violence, and persecution, are taking place on the Bangladesh-Myanmar border.^{xvii} This authorization allows for a broad-based investigation into crimes tied to the original investigation, including future crimes, potentially allowing the ICC to prosecute the Tatmadaw for crimes not yet committed.^{xviii}

Myanmar rejected the ICC investigation, claiming it was “not in accordance with international law.”^{xix} Unlike the ICJ, the ICC has the authority to issue arrest warrants and prosecute individuals.

MYANMAR CLAIMS 46 ROHINGYA RETURN VOLUNTARILY

² The Rome Statute is the treaty that established the ICC and gives it jurisdiction over certain international crimes.

The Government of Myanmar claimed 46 Rohingya returned from Bangladesh to Rakhine State in early November. Authorities checked the refugees against a list of suspected Arakan Rohingya Salvation Army (ARSA) members, and upon confirming none of the refugees were named as suspected ARSA members, they were resettled in Maungdaw Township.^{xx} Myanmar's embassy in Bangladesh posted photographs on Facebook showing the returnees being "warmly received."^{xxi} As of November, there are reportedly less than 400 total voluntary returnees.^{xxii}

ROHINGYA MOVE TO THE BAY OF BENGAL DELAYED

Bangladesh delayed plans to move up to 100,000 people to Bhashan Char, an island in the Bay of Bengal. UN agencies have not yet supported to the plan due to concerns over health and safety. The UN provided Bangladesh with a list of conditions that must be met before the plan can move forward, including technical assessments to evaluate the safety of the island, such as exposure to cyclones and other natural hazards, the quality of water supply, and access to basic services.^{xxiv} Bangladesh State Minister said plans are now uncertain, and that "unless they [the UN] greenlight it, we cannot start the relocation."^{xxv}

FREE EXPRESSION

On October 31, the Kawthaung Township Court in Tanintharyi Region accepted a case filed by the Tatmadaw against former Myanmar army captain Nay Myo Zin, poet Saw Wai, and lawyer Kyi Myint, for comments made on charter amendments that allegedly defamed the military.^{xxvi} Colonel Thant Sin Oo claimed that "their comments were aimed at causing misunderstanding," therefore giving the Tatmadaw a case under Article 505 of the Myanmar Penal Code.^{xxvii} In November, a coalition of 130 CSOs released a joint statement

urging the Tatmadaw to drop the cases immediately.^{xxviii}

Criticism of the Tatmadaw by CSOs, activists, and international organizations about its restrictions on freedom of expression is on the rise. In light of recent freedom of expression cases, one activist called the Tatmadaw "sensitive" and accused it of violating citizens' rights by suing them.^{xxix} The Myawaddy Mingyi monk, Sayadaw U Arriyawuntha said, "[My] lawsuit clearly shows the military is trying to block criticism."^{xxx} An Amnesty International representative stated "These new convictions against the Peacock Generation are signs of a relentless assault on freedom of expression in Myanmar."^{xxxi} Others at Amnesty International called the laws "draconian" and are calling not only on the military to drop charges, but also on the NLD to take action against such cases.^{xxxii}

Other freedom of expression cases that moved forward this month include:

- A Myawaddy Mingyi monastery monk is facing a lawsuit for criticizing the military in an interview;
- Six protesters were detained during Aung San Suu Kyi's visit to Mogok;
- Additional charges were filed against the youth group Peacock Generation for its prior performance criticizing the military; and
- Six Karenni youth received a final sentence of six months' imprisonment. These youth were arrested and imprisoned in March 2019 for a statement accusing the Karenni State Chief Minister, Finance Minister, and other officials of acting as "enemies of ethnic unity and still acting as dictators."^{xxxiii}

CONFLICT

- Conflict continues to escalate between the Tatmadaw and the AA in Rakhine, with the civilian population increasingly caught in the middle.
- The AA releases hostages detained in October, but ethnic Khumi Chin lawmaker remains in AA custody on suspicion of working with the Tatmadaw.
- In Shan, fighting continues between the Tatmadaw and the TNLA. The TNLA allegedly attacked the Lashio airport.
- Three village headmen were killed in a restaurant in Kyaukme, Shan. The attack is suspected to have been carried out by the Restoration Council of Shan State (RCSS).

Figure 1 maps conflict events in Myanmar between November 1 and November 23, 2019 as reported by the Armed Conflict and Location Event Data (ACLED) project.

ARAKAN ARMY-TATMADAW

This month, conflict between the AA and the Tatmadaw was concentrated in Rathedaung Township. Fighting also occurred in Buthidaung, Kyauktaw, Mrauk-U, and Myebon townships in Rakhine State, and to a lesser degree, Ponnagyun and Maungdaw townships in Rakhine and Paletwa, Chin State.^{xxxiii} According to data compiled by ACLED, the Tatmadaw incurred more than ten casualties this month.

There were reports of Tatmadaw using helicopters to attack villages and mountain ranges in Myebon, Rathedaung, Kayuktaw, and Paletwa townships.^{xxxiv} Meanwhile, the AA continues to plant landmines. This month, landmines exploded in a school in Yae Soe Chaung Village, Rathedaung Township although no one died in the explosion.

The Tatmadaw continues to enter villages and detain people. In Ann township, on November 11, three men were detained, and one man was hospitalized on November 21 due to injuries sustained during his detention.^{xxxv} The Tatmadaw also moved into villages, detained residents, and forced some to work as guides in Kyauktaw, Myebon, Rathedaung, and Ponnagyun townships. Details of civilians killed, injured and displaced

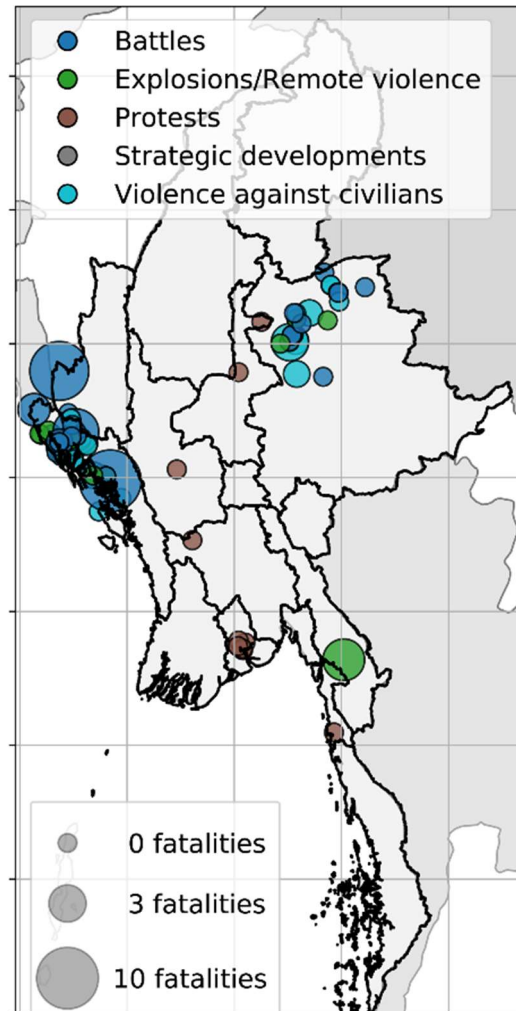


Figure 1. Conflict Hot Spot Map (November 1 – November 23, 2019)
KIMETRICA LLC, DATA SOURCE: ACLED

by the conflict in Rakhine are outlined in Table I. All data is from ACLED unless otherwise noted.

Table 1. Civilians displaced, injured and killed by conflict in Rakhine State, November 2019

Location		Number of Civilians Affected	Details of Civilians Affected
District	Township		
Kyaukpyu	Ann	1 injured	<ul style="list-style-type: none"> On November 11, the Tatmadaw detained three civilians near Yae Boke village. One was hospitalized on November 21 due to injuries resulting from beating and abuse during his detention.
Maungdaw	Buthidaung	3 injured, 2 killed	<ul style="list-style-type: none"> Between November 6 and 7, a Rohingya man was killed by a bullet during fighting between the Tatmadaw and AA in Phone Nyo Leik village. Falling mortar shells from the fighting also set fire to over 30 houses belonging to both Muslim Rohingya and Rakhine families, and injured three Rohingya civilians, including a two-year-old child. On November 8, a Muslim civilian was shot and injured during a fight between the Tatmadaw and the AA near Tha Yet Pyin village.
Mrauk-U	Kyauktaw	2 killed	<ul style="list-style-type: none"> On November 22, two villagers were injured by stray bullets during a fight between the Tatmadaw and AA. The fighting started after the AA attacked Tatmadaw navy ships.
	Minbya	1 injured	<ul style="list-style-type: none"> On November 18, the Tatmadaw fired at children who were fleeing at the sight of the soldiers, and fired into Pan Myaung village, injuring an elderly woman.
	Mrauk-U	4 injured	<ul style="list-style-type: none"> On November 4, three family members were injured in their house by stray artillery fire during a fight between the AA and the Tatmadaw. On November 19, a woman was injured by a piece of fallen shrapnel, which villagers claimed was fired by the Tatmadaw.
	Myebon	Unknown number injured, 1 killed, over 1,000 displaced	<ul style="list-style-type: none"> On November 10, a young pregnant woman was shot dead by the Tatmadaw as she arrived back to Wra Thaya village by boat. The soldiers also arrested five men on suspicion of links with the AA, and seized mobile phones from some villagers. Following these incidents, over 1,000 villagers from Wra Thaya and Yaw Sanon villages left their homes, and many are now taking shelter in Meabon camp.^{xxxvi}
		Unknown number injured	<ul style="list-style-type: none"> On November 11, Tatmadaw soldiers ordered people in a funeral service car carrying the body of a deceased woman to step out of the car, and beat them with their guns.
Sittwe	Ponnagyun	2 injured, unknown number displaced	<ul style="list-style-type: none"> On November 12, villagers from Aw Ra Maw fled after hearing the sound of heavy weapons nearby. The Tatmadaw later entered the village, firing shots into the air, and questioned the remaining residents. On November 22, two civilians travelling on motorbikes between Ywan Thar Yar village to Ponnagyun town were shot and injured by the Tatmadaw.
	Rathedaung	1 injured, 2 killed	<ul style="list-style-type: none"> On November 1, a man went missing after a Tatmadaw column entered the village; his burned body was found on November 9. He is believed to have been killed by the Tatmadaw. On November 21, one villager was killed and another injured when artillery shells fired in a fight between the Tatmadaw and AA landed and exploded inside a house.

ARAKAN ARMY HOSTAGES

The AA released hostages detained in October. On November 5, the AA released 25 civilians seized from a ferry in Rathedaung in late October.^{xxxvii} A Rakhine community leader with close ties to the AA told MAA researchers that these detentions were made to root out “Tatmadaw personnel and associates who have harmed locals” and those who threaten Rakhine policies and programs. He noted that the AA released all innocents without conditions. Following their release, four of the 25 hostages went home, while 21 were taken to Buthidaung border police guard and held for more than 24 hours for questioning by the police who alleged they were witnesses to their own abduction.^{xxxviii} The Border Guard police also arrested and filed charges against the ferry owner and seven crewmen for conspiring with the AA.^{xxxix}

On November 6, the AA also released 18 firefighters who were detained on the road between Mandalay and Sittwe in October.^{xl} One of the firefighters died in detention. The AA said his death was due to “shock after taking a sip of water.”^{xli}

On November 11, the AA offered to release the 16 remaining captives from the ferry, including nine police officers, six soldiers, and a prison official, in exchange for a release of 16 people currently arrested and facing charges in Rakhine courts. The Tatmadaw rejected this proposal, on the basis that it would amount to submitting to terrorists’ demands.^{xlii}

On November 3, the AA abducted ethnic Khumi Chin member of parliament (MP), Hawi Ting, four Myanmar civilians, and five Indian nationals, who were working on a road between India and Myanmar, from two speedboats on the Kaladan river near the border between Chin and Rakhine states.^{xliii} One of the Indian nationals died of a heart attack during detention. This is the first

time foreigners have been abducted in the conflict between the AA and the Tatmadaw.

The AA has since released eight of the detainees abducted on November 3 and the body of the man who died, but MP Hawi Ting remains in their custody. The NLD and 43 Chin CSOs have condemned his detention and requested his release.^{xliv} A statement released on November 10 by the AA stated it will continue to interrogate Hawi Ting as they suspect him of working with the Tatmadaw against the AA and of instigating ethnic and religious hostility among Khumi people against the Rakhine.^{xlv} The Rakhine community leader interviewed stated the MP is a Tatmadaw “stooge [...] who collected ULA [United League of Arakan] information and provided it to Tatmadaw personnel, and set up the local youth organization discriminating against local Arakanese, their sub-ethnic tribes, and Chin communities.” According to a foreign advisor on pro-democracy and human rights movements in Myanmar, the AA is focused on threats to their local base and as a show of strength is targeting and detaining specific individuals that harm local Rakhine communities.

To protect against future abductions, the Chin State announced a two-month curfew in Paletwa township following Hawi Ting’s abduction.^{xlvi}

ARAKAN ROHINGYA SALVATION ARMY

On November 21, in Maungdaw Township, the Tatmadaw and ARSA fought, resulting in the death of two ARSA members and the arrest of three more.^{xlvii} This attack was the first by ARSA since January 2019, when they attacked a border guard police post and injured three police officers.

SHAN STATE

This month has seen fighting in Shan State between the TNLA and the Tatmadaw, and one instance of fighting between the Tatmadaw and the RCSS.

Fighting between the TNLA and the Tatmadaw was concentrated in Kutkai, Kyaukme, and Namhsan townships. The fighting had an impact on both infrastructure and trade. On November 16, an artillery attack on the Lashio airport injured one woman, damaged vehicles and buildings, and caused flights to be cancelled.^{xlviii} The TNLA denies the Tatmadaw’s accusation that it is responsible for the attack. On November 13, conflict between the TNLA and Tatmadaw in northern Shan led to the suspension of land transportation along the Muse-Kutkai Highway.^{xlix} Local sources claim the conflict caused a suspension of trade between Chinese and Muse traders.^l

There was also one outbreak in fighting between the RCSS and the Tatmadaw in Mongkaing Township on November 9.^{li} According to an MP

for Mongkaing Township, the fighting started when the Tatmadaw entered RCSS territory. No combatants were killed or injured, and no civilians were affected, as the fighting occurred far from where civilians live.

Figure 2 shows all the conflict actors and the number of violent interactions from November 1 to November 23, 2019, as reported by ACLED.

IMPACT ON CIVILIANS

The conflict in Shan has killed, injured, and displaced civilians and damaged property. On November 21 and 22, the Tatmadaw allegedly used helicopters to fire on the TNLA and Ta’ang villages.^{lii} According to one report, on November 22, the Tatmadaw arrested over 60 civilians from a village in Namhsan Township and used them as human shields against possible landmine explosions before releasing them.

On November 3, three ethnic Shan village chairmen were shot and killed in Kyaukme Town by two unknown gunmen.^{liii} The three were leaders from Mongton village-tract, Narmon

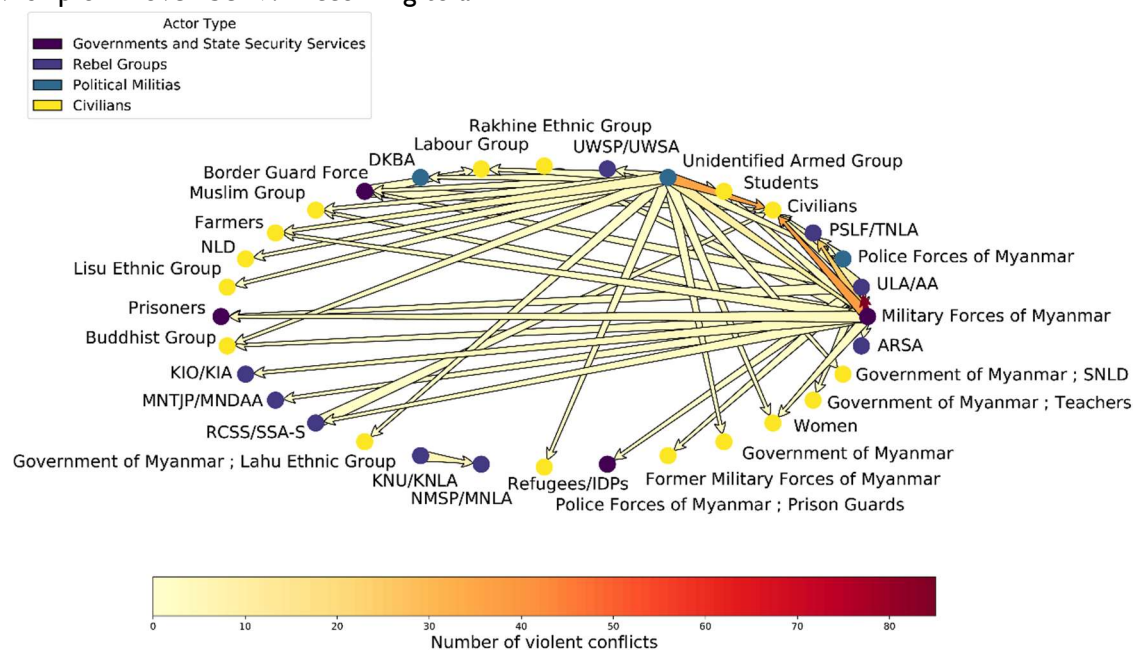


Figure 2. Conflict Actors (November 1 – November 23, 2019)
KIMETRICA LLC, DATA SOURCE: ACLED

Table 2. Details of civilians displaced, injured and killed by conflict in Shan State, November 2019

Location		Number of Civilians Affected	Details of Civilians Affected
District	Township		
Lashio	Hseni	1 injured	<ul style="list-style-type: none"> On November 18, Tatmadaw soldiers detained a farmer travelling back to his home, took him to their camp, and beat him.
Muse	Kutkai	4 injured	<ul style="list-style-type: none"> On November 13, two motorbike drivers, including a monk, were shot in their legs during fighting between the TNLA and the Tatmadaw.^{liv} Following fighting between the TNLA and the Tatmadaw, on November 14, a teacher and his driver were injured when an unknown soldier shot at them after ordering them to stop.^{lv}
Kyaukme	Kyaukme	3 killed	<ul style="list-style-type: none"> On November 3, three ethnic Shan village headmen were shot dead in a restaurant in Kyaukme town by unidentified armed men.
	Namhsan	Unknown number displaced	<ul style="list-style-type: none"> On November 21, the Tatmadaw attacked Ta'ang villages with artillery shells and a helicopter, damaging houses and causing villagers to flee.
Lashio	Lashio	1 injured	<ul style="list-style-type: none"> On November 16, the Lashio airport was attacked by artillery shells, injuring a woman and damaging buildings and a vehicle.

village, and Lwelewele village, and all three were members of the Shan Nationalities League for Democracy party.^{lvi} The chairmen were allegedly in Kyaukme Town to meet Shan leaders to discuss how to stop forced recruitment of villagers by the RCSS. It is not clear who is responsible for the killings. However, according to an anonymous source who spoke to the *Irrawaddy*, the RCSS had recently asked the three chairmen to recruit villagers for their EAO. The source said that the RCSS believes the village headmen had asked the Tatmadaw to force the RCSS to release 35 villagers that they recruited in October.

Details of the civilians killed, injured and displaced in Shan this month are presented in Table 2. All data is from ACLED unless otherwise noted.

CONFLICT NEAR THE THAI BORDER

On November 27, fighting between the Mon National Liberation Army (MNLA) and joint forces of the Tatmadaw and the Karen Border Force broke out near the Three Pagodas Pass on the Myanmar-Thai border.^{lvii} Fighting reportedly started after the Tatmadaw tried conduct border checks in MNLA territory. It is unclear which army attacked first.^{lviii} This is the first time in over two years that the MNLA, an NCA-signatory, has fought state forces. Last month, however, there were multiple skirmishes between the MNLA and the Karen National Liberation Army (KNLA), another NCA-signatory.^{lix}

TENSION BUILDS AS ROAD CONSTRUCTION RESUMES IN KAYIN

The Tatmadaw resumed road construction in the KNLA Third Brigade area bordering the Fifth



Figure 3. Photographs of Tatmadaw Road Construction in KNLA-Controlled Territory
Source: KNLA THIRD BRIGADE

Brigade even though construction violates the ceasefire agreement between the Tatmadaw and KNLA. A former KNLA commander told MAA researchers that the ceasefire states, “All new road construction and old road maintenance are prohibited.” The Tatmadaw claims the road is exempt from the ceasefire since it is not for military purposes. However, a former KNLA commander told MAA researchers that the KNLA believes the road has two key purposes, both military in nature. The first is to resupply and fortify Tatmadaw army bases in the area in order to enable the Tatmadaw to launch further attacks on Karen EAOs. The second is to further target ethnic villages. The former commander claims that the road “will make the villagers easy targets for Burmanization and land confiscation for development projects.”

The KNU reportedly told the former KNLA commander that they scheduled a meeting with Tatmadaw representatives for peace negotiations, and “If they do not agree to halt the new road construction, we will consider taking military action.” It is unlikely that this position represents the entire KNU. The photographs below, taken by KNLA soldiers, show road construction by army engineers with Tatmadaw security.

POLITICS

- The Union Election Commission (UEC) threatens to dissolve parties found guilty of defaming its work.
- Ethnic parties object to the UEC’s proposal to grant voting rights to migrant workers after 90 days of residence.
- Senior General Min Aung Hlaing threatens a “necessary response” against anyone who attempts to disrupt the “stability” under the 2008 Constitution.
- The KNU announces its intention to rejoin the formal peace process.
- Aung San Suu Kyi attends the 35th ASEAN Summit, where Myanmar faced criticism from the UN Secretary-General over the Rohingya crisis.

ELECTION UPDATE

UEC UNDER PRESSURE

On November 15, in response to increasing scrutiny by several political parties, the UEC issued a statement that warns against criticism of its work. The UEC threatened legal action should they continue spreading “falsehoods” which defame the UEC. According to the UEC, legal action could lead to dissolution of the political parties under Article 6 of the Election Law.^{ix}

The UEC statement was in response to a joint statement released by USDP and 19 other political parties on November 2, which condemned the UEC's decision to accept additional assistance from the International Foundation for Electoral Systems (IFES).^{lxii} The USDP and others claimed that IFES's involvement in the election amounted to foreign interference. In Parliament, military MPs raised concerns of increasing foreign interference in government, comparing the situation to Russia's interference in the 2016 US elections.^{lxiii}

VOTING RIGHTS FOR MIGRANT WORKERS CAUSES CONTROVERSY

In October, the UEC proposed amendments to election by-laws which included a provision that allows domestic migrants the right to vote in their current area of residence after a period of 90 days. Currently, the required period of residence is 180 days.^{lxiii}

Several ethnic parties, including the Kachin State People's Party (KSPP) and the Shan Nationalities League for Democracy (SNLD), objected to the proposal. They argue that the rule will lead to a higher proportion of Bamar voters in ethnic areas. As migrants move from central Bamar-regions to ethnic states in search of work. Sai Kyaw Nyunt, leader of the SNLD, claimed that the amendment would favor Bamar-led parties such as the NLD. Such decisions contribute to the questioning of the neutrality of the UEC.^{lxiv}

Despite these ethnic concerns, the UEC will most likely implement the proposed election changes. If there is no official objection from Parliament, the proposed by-laws will go into effect in mid-December, 90 days after the amendments were submitted to Parliament.^{lxv}

SENIOR GENERAL MIN AUNG HLAING ON THE ELECTION

Commander-in-Chief Senior General Min Aung Hlaing recently made a statement that raised fears that the military may undermine the results of the 2020 general election. Speaking to Japanese media outlet *Yomiuri Shimbun*, Min Aung Hlaing stated that high voter turnout is important for the next election and that if an MP wins in a constituency with low turnout, "It is hard to say that [the MP-elect] represents the region." An editorial in *Frontier Myanmar* called the comments "troubling."^{lxvi}

MERGING OF YANGON REGION TOWNSHIPS DRAWS PROTESTS

The NLD-led Yangon regional government plans to dissolve Seikkan Township, which has a population of only 2,826 people, most of whom are government employees, and merge it into neighboring Botahtaung, Kyauktada and Latha townships.^{lxvii} The Constitution requires that the number of townships be maintained at 330 nationwide, so the elimination of Seikkan Township will free the Yangon regional government to split the disproportionately large Hlaing Tharyar Township, which has a population of 687,867 people, into two townships.^{lxviii}

On October 31, around 100 protesters demanded the regional government abolish the plan, accusing it of "gerrymandering."^{lxix} Seikkan is one of the only townships in Yangon where the NLD is vulnerable.^{lxx} The USDP won Seikkan 2's state legislature seat with 51 percent of the vote in 2018's regional by-election; but the result was eventually overturned due to alleged campaigning discrepancies.^{lxxi} Seikkan Township is largely malapportioned. One social media user said, "If you form a township with just 1,500 constituents, it is a waste of national budget as this township was formed solely to benefit a small group of people."

Responding to the protests, Than Htike Aung, the NLD MP for Seikkan, claimed that the

protesters were “strangers” not from the township and that the majority of local people supported the plan. According to a Yangon-based political analyst, it is a common practice for the USDP and the military to bring in people from other areas to support ‘local’ protests.

CONSTITUTIONAL REFORM

Parliament continues to debate constitutional reform. On November 20, several military MPs reiterated complaints on how their September proposal to amend Articles 232 and 261 of the Constitution was treated. They argue that the proposal should have been debated separately rather than sent to the Charter Amendment Committee.^{lxxii} Those making the complaint are skeptical of the Charter Amendment Committee and believe that it is dominated by NLD MPs.

In an interview last month with the Japanese *Nikkei Asian Review*, Aung San Suu Kyi cast doubt on Parliament’s ability to pass any constitutional amendments prior to the 2020 election. She said, “We are not building hopes for the next election on our ability to bring about constitution amendments within the next year.”^{lxxiii} This month however, NLD Central Executive Committee member Aung Kyi Nyunt clarified the State Counsellor’s words, indicating that the NLD will not use the promise of a charter amendment to gain electoral support.^{lxxiv}

Comments made by Senior General Min Aung Hlaing this month also suggest that constitutional reform remains a far-off goal. In the same interview where Min Aung Hlaing expressed doubts about the 2020 elections, he also warned that a “necessary response” will be taken against anyone who tries to disrupt the country’s democratization under the 2008 Constitution. He further argued that reducing the military’s seats in Parliament is not likely to happen at this

moment due to concerns of political and security instability in the country.^{lxxv}

FOREIGN RELATIONS

THE ASEAN SUMMIT

The UN Secretary-General Antonio Guterres used his keynote speech at the 35th Association of Southeast Asian Nations (ASEAN) summit in Bangkok this month to raise concerns over the ongoing Rakhine crisis and the safe repatriation of Rohingya refugees. The criticism was striking given Aung San Suu Kyi was in attendance.^{lxxvi} No other leader spoke out on the issue at the summit.^{lxxvii}

TATMADAW DELEGATION AT THE ASEAN DEFENSE MEETING

Min Aung Hlaing led a Tatmadaw delegation at the ASEAN Defense Minister’s Meeting-Plus in Thailand.^{lxxviii} During the trip, Brigadier General Zaw Min Tun highlighted the Tatmadaw’s potential to sell weapons to other countries in the future through official bilateral trade.^{lxxix} Zaw Min Tun used the United States as a model of how a country can generate profits from arms trade. Myanmar currently imports significant quantities of weapons from China and Russia and other countries to equip the Tatmadaw.^{lxxx} Considering Myanmar’s apparent current ability to manufacture low grade weapons only, it is unclear whether the exporting of such weapons would be lucrative for the military.^{lxxxi}

PEACE PROCESS

From November 19-22, in Chiang Mai, Thailand, the Government and the NCA-signatory EAOs held a meeting where both parties agreed, in principle, to hold a Joint Ceasefire Implementation Committee Meeting (JICM) in December. The JICM is a deadlock-breaking body that could open the door to resuming the peace dialogues that have stalled since November 2018.^{lxxxii}

On November 22, the KNU released a statement reaffirming its commitment to the NCA and calling for the JICM to be convened to help break the deadlock in the peace process.^{lxxxiii} Previously, the RCSS and KNU requested to postpone the JICM in favor of informal talks with the Government and Tatmadaw to discuss implementation of the NCA.^{lxxxiv} The RCSS's re-engagement with the peace process will come as a relief to government officials in the wake of last month's fall-out over RCSS Chairman Yard Serk's travel to Naypyidaw.^{lxxxv}

While the resumption of peace talks with the NCA-signatories seems likely, talks with the Northern Alliance continue to be stalled. The anticipated meeting between the Government and the Northern Alliance was postponed indefinitely, and sporadic fighting between the Tatmadaw and Northern Alliance members increased.^{lxxxvi} The Government of Myanmar denied the Northern Alliance's request to convene peace talks in China, stressing that such talks should be held in-country.^{lxxxvii}

In mid-November, the Chinese Special Envoy visited Myanmar and met with Min Aung Hlaing and Aung San Suu Kyi. During the trip, he reiterated China's support for the peace process. He also reportedly donated \$400,000 to the National Reconciliation and Peace Center and \$300,000 each to the Government's Peace Commission and the Joint Monitoring Committee, which is the fourth donation of its kind by China to the Myanmar peace process.^{lxxxviii} One political analyst suggested that China's high-profile intervention into Myanmar's peace process is due to its concern over the ongoing Muse-Mandalay railroad construction project.^{lxxxix}

One announcement this month threatened the peace process. The National Reconciliation and

Peace Center announced that EAOs must seek Government permission to request foreign aid. Padoh Saw Taw Nee, a representative from the KNU, stated this requirement is not in line with the NCA and therefore unacceptable.^{xc}

KAREN PEACE SUPPORT NETWORK'S CRITICISM OF WORLD BANK PROJECT

The Karen Peace Support Network (KPSN) objected to the planned \$250 million World Bank Peaceful and Prosperous Communities Project. In a statement released on November 25, the KPSN objected the project, criticizing its lack of consultation with ethnic groups and claiming it is a means of expanding Government power in ethnic areas and could potentially fuel conflict. The KPSN called for decisions on development projects to be made by local actors in line with a "new federal power sharing structure."^{xc}

The project is designed to improve basic infrastructure across eastern Myanmar and improve economic opportunities. However, the project has faced criticism for being coordinated through the Government's Union Ministry of Agriculture, Livestock and Irrigation, as well as the General Administration Department.^{xcii} A foreign advisor on human rights movements in Myanmar claims that donor-funded projects are a means of central government domination over ethnic areas and an increasing "Burmanization" of local communities.^{xciii} In response to the criticism, the World Bank issued a statement claiming it has taken a "people-centered approach" to the project, and assured that project activities would not begin until there is agreement from all stakeholders, including ethnic organizations and local communities.^{xciv}

CORRUPTION WATCH

On November 6, the Anti-Corruption Commission (ACC) filed bribery charges against the former Myanmar Labor Attaché, San Maung Oo for abusing his position by asking for over \$100,000 in bribes from 28 different overseas employment agencies during his time as the attaché.^{xcv} The ACC filed charges after investigating allegations made by more than 20 overseas employment agencies.

ECONOMY

- The Central Bank of Myanmar (CBM) announces plans to initiate the first round of licensing to foreign banks.
- Remittances for migrant workers are formalized to reduce the use of the traditional *Hundi* system.
- The Ministry of Planning and Finance and Ministry of Industry will be merged, as part of the Government's attempt to reduce inefficiencies

BANK LIBERALIZATION

On November 7, the CBM announced plans to step up efforts to liberalize banks by initiating the first round of foreign bank licensing. Foreign banks can start submitting expressions of interest in the coming months.^{xcvi} Foreign banks are currently allowed to own up to 35 percent of domestic banks, which is likely to increase, and they can perform wholesale banking activities, which are banking activities aimed at foreign businesses operating in Myanmar rather than retail or consumer banking.^{xcvii}

Under the new plan, the CBM will offer two new types of banking licenses to foreign banks: a branch license and a subsidiary license. The branch license will allow foreign banks

conducting wholesale banking activities to establish a branch in Myanmar. The subsidiary license will allow foreign banks that have held a branch license for three years to start conducting onshore retail banking activities and establish up to ten branch locations. This license will be available from January 1, 2021.^{xcviii}

Overall banking coverage in Myanmar is low. There are only five bank branches for every 100,000 people and most of these are concentrated in urban areas.^{xcix} The sector suffers from stringent regulations on who can accept deposits and lend money, and interest rate ceilings and floors have limited growth and stifled competition.^c

The introduction of foreign banks to Myanmar's banking sector is expected to bring some much-needed capital to the financial sector. However, enthusiasm for foreign ownership of banking is low, among both national and international stakeholders. In an interview with MAA researchers, Waiyan Moe, Director of Strategic Planning at private conglomerate holding company Ayeyar Hinthar, explained that domestic banks do not have the proper financial infrastructure or “muscle” to effectively compete with international players. Domestic banks do not want the increased competition that the entrance of foreign banks will create.

However, it is unlikely that foreign banks will apply for either license en masse. Foreign banks are often apprehensive about partnering with domestic banks or even entering the Myanmar market due to the stringent regulatory criteria and the perceived risks.^{ci}

FORMALIZATION OF REMITTANCES

On November 15, the CBM began allowing overseas workers to apply for formal remittance licenses. The move would allow workers to

officially send up to \$5,000 a month and up to \$1,000 in each transaction back to Myanmar.^{cii} Overseas employment agencies are expected to apply for the licenses.

Official remittances were almost \$1 billion in 2018, but most migrant workers, both legal and illegal, send their money through a system of illegal networks known as the *Hundi* system.^{ciii} The *Hundi* system is a vast network of illegal money traders who are able to smuggle and exchange cash across borders. The new system is expected to encourage more legal migrants to transfer money through legal processes.^{civ} Due to their legal status, illegal workers will still have to rely on brokers to carry out the transaction for them.^{cv}

The CBM hopes that the move will provide greater transparency for remittances and allow the Government to better predict cash inflows.^{cvi} One source who works closely with the Government told MAA researchers that Myanmar is at serious risk of being placed back onto the Financial Action Task Force's *gray list*. The Financial Action Task Force is an intergovernmental organization that combats global money laundering. It accuses Myanmar of weak protections against Anti-Money Laundering/Countering Financial Terrorism. The new licenses are part of the Government's strategy to combat illicit money flowing into the economy.^{cvii}

MINISTRY OF FINANCE AND PLANNING AND MINISTRY OF INDUSTRY MERGE

On November 15, President Win Myint announced plans to merge the Ministry of Finance and Planning (MOPF) and the Ministry of Industry (MOI) into the newly created Ministry of Planning, Finance and Industry.^{cviii}

The merger is part of the Government's plan to increase efficiency and reduce bureaucracy within its administration. Parliament approved the merger on November 26. Ownership and shares of factories set up under the MOI are now expected to be transferred to the State Assets Management Unit under the MOPF.^{cix} All state-owned enterprises (SOE) under the MOI will be managed by the new ministry.^{cx}

Allegedly, only four of the MOI's 57 factories make a profit. According to the Secretary of Parliament's Investment and Industrial Development Committee, Aung Kyaw Kyaw Oo, the MOI is losing an estimated MMK 400 million (\$263,275) a year from state-owned factories. Aung Kyaw Kyaw Oo also claims that the MOI was burdened with factory staff drawing salaries but who did not go to work. Estimates put annual MOI salaries at around MMK 50 billion (\$3.3 billion).^{cxii}

The Deputy Minister of MOPF, Set Aung, stated that many of the factories that are not making a profit will either be privatized or entered into public private partnerships.^{cxiii} Set Aung claims the merger between the MOI and MOPF will expedite the process of privatization and facilitate private investment in the SOEs.^{cxiii}

ELECTRICITY UPDATE

On November 14, the Deputy Minister of the Ministry of Energy and Electricity (MOEE), Khin Maung Win, announced that the MOEE is on track to provide access to electricity to 50 percent of all households in Myanmar by next month.^{cxiv} Approximately 47 percent of households in Myanmar have access to the grid as of October 2019.^{cxv}

The Government is currently committed to seven projects to increase power supply, which include liquefied natural gas power plants, gas

turbine power stations, and a combined cycle plant in Yangon, Ayeyarwady, Tanintharyi, and Magwe regions and Rakhine State.^{cxvi} A report by the World Bank released in June, “Myanmar Economic Monitor: Building Reform Momentum,” forecasted that electricity demand would grow by 11 percent per annum until 2030, with annual demand reaching 12.6 gigawatts in 2030, much higher than the current 3.6 gigawatt consumption. The Government is under pressure to invest \$2 billion a year to meet this demand with the new power plant projects expected to contribute towards this.^{cxvii}

PRICES

Fuel prices consistently increased between September and November of this year but were roughly in line with global oil prices (see Figure 4).^{cxviii}

In contrast to fuel, rice prices for the three types of rice typically consumed in Myanmar were stable over the three months from September to November (see Figure 6). Paw San rice prices decreased by 10 percent during this time, but Ei Ma Hta rice and Zeeyar rice fluctuated only slightly. It is harvest season, and the supply of rice in the market is high. In response to the consistently low rice prices, the Government set a minimum floor price for rice. Farmers claim, however, that local merchants continue to buy rice below the minimum price.^{cxix}

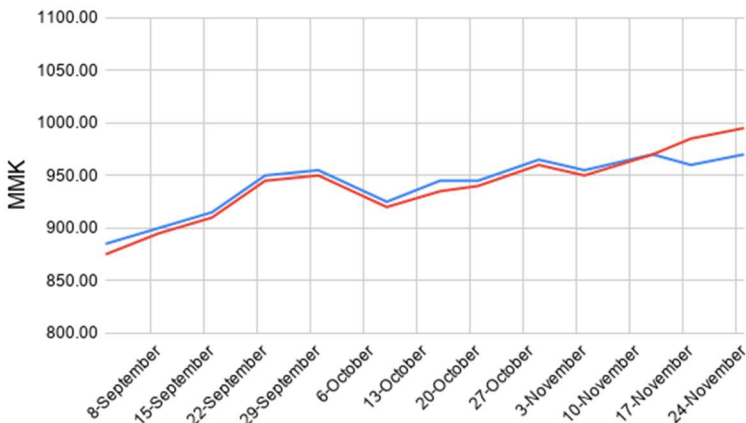


Figure 4. Fuel Prices September – November 2019
MEKONG ECONOMICS

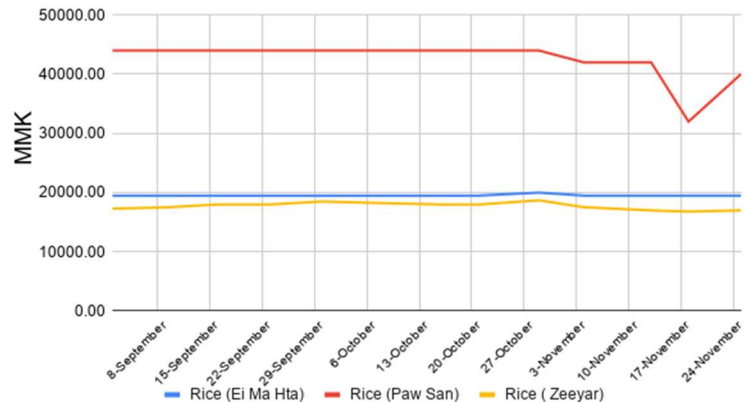


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