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## Acknowledgement

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# DECEMBER 2019 AT A GLANCE

**State Counsellor Aung San Suu Kyi Defends the Tatmadaw and the Government of Myanmar at the International Court of Justice.** Her defense of the Tatmadaw's actions in Rakhine State was condemned internationally and by many ethnic minority leaders, but she received huge domestic support, mostly among Bamar people. (Page 11)

**Fighting Between Arakan Army (AA) and Tatmadaw Continues.** Reports of both the AA and the Tatmadaw restricting freedom of expression and movement in Rakhine State indicate that the two armies are increasingly trying to limit support or help for the other group. (Page 1)

**Conflict Halts Between Mon National Liberation Army and Tatmadaw in Kayin State.** Though fighting between the ethnic armed organization (EAO) and the military has ceased, civilians worry it may resume since Tatmadaw forces remain in the area. (Page 5)

**House Parliament Speaker Announces Parliament to Vote on Bill for Constitutional Amendments Before 2020 General Election.** The military and some ethnic minority members of Parliament opposed the amendments. (Page 8)

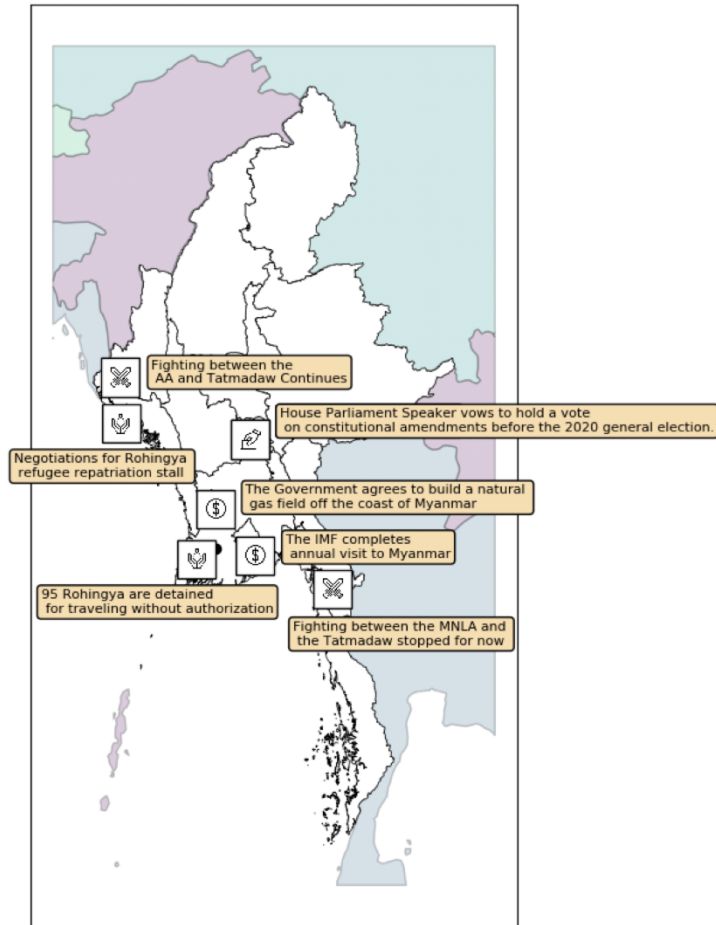
**EAOs Fear the Union Election Commission Will Cancel Elections in Places.** Fear that elections will be cancelled in the areas where EAOs are fighting is especially high in northern Rakhine State where clashes are most intense. (Page 6)

**Confederation of Trade Unions Prepares Proposal to Raise Minimum Wage.** The daily wage in Myanmar is expected to increase from MMK 4,800 (\$3.19) to MMK 7,200 (\$4.88). CTUM's recent survey finds that workers daily expenses are typically MMK 7,000 (\$4.76), before electricity and rent. (Page 10)

**Talks with Rohingya Leaders About Repatriation Fail.** A delegation from Naypyidaw, Rohingya leaders, and representatives from ASEAN attended a meeting in Bangladesh. Negotiations were unsuccessful, however, with many calling the Government of Myanmar's alleged readiness to repatriate refugees into question. (Page 14)

**The United Wa State Army (UWSA) Allows Churches to Reopen.** More than 50 churches opened in the areas of northern Shan under the UWSA's control after being closed since 2018. (Page 15)

**The International Monetary Fund Warns Myanmar's Economic Growth is Below Country's Potential.** Declining foreign investment, the 2020 election, conflict, and global factors, such as rising oil prices and a decrease in China's economic growth, threaten to impede Myanmar's growth in 2020. Though the economic growth rate at 6.5 percent is high, it remains below the country's potential. (Page 9)



## CONFLICT

- Fighting between the Arakan Army (AA) and Tatmadaw continues in Rakhine State.
- The AA detains NLD chairman from Buthidaung Township, who later dies in detention.
- Conflict between ethnic armed organizations (EAOs) and the Tatmadaw eases in Shan State, but civilians continue to suffer.
- Hundreds fled as the Tatmadaw and Mon National Liberation Army (MNLA) fought in early December. Conflict ends following negotiations between the two armies.

Figure 1 maps conflict events in Myanmar between November 24 and December 14, 2019 as reported by the Armed Conflict and Location Event Data (ACLED) project.

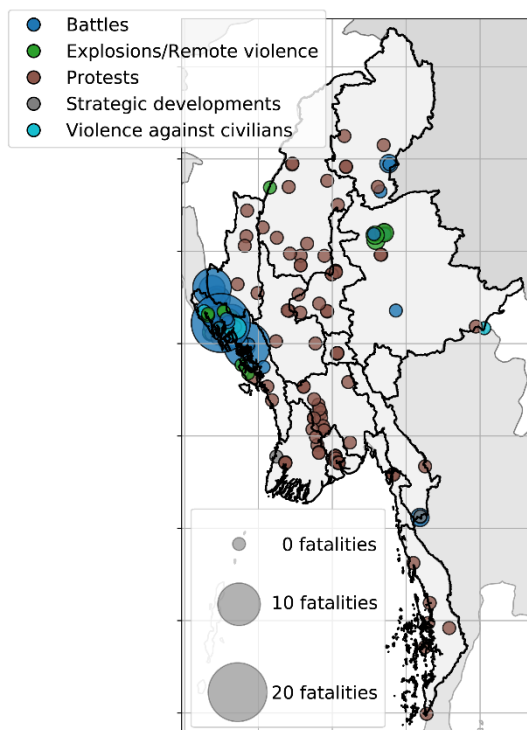


Figure 1. Conflict Hot Spot Map (November 24 – December 14, 2019)  
KIMETRICA LLC, DATA SOURCE: ACLED

## ARAKAN ARMY - TATMADAW

In the first half of December, conflict between the AA and the Tatmadaw was concentrated in Minbya, Mrauk-U, Paletwa, and Ponnagyun Townships. An AA commander reported that fighting was particularly intense in Paletwa on December 10 when the Tatmadaw conducted three airstrikes against the AA. Fighting also took place in Myebon, Rathedaung, and Kyauktaw Townships. According to Armed Conflict Location and Event Data (ACLED) and media sources, the Tatmadaw continued aerial attacks in Rathedaung and Minbya Townships. A Tatmadaw spokesperson was criticized for being callous when he stated that the Tatmadaw air force gained “invaluable” experience fighting EAOs in Myanmar’s internal conflicts, improving their military advantage over other countries in the region.<sup>i</sup>

This month, the AA continued to attack vessels. On November 28 it released a travel alert, stating that before travel, vessels and travelers must communicate their itineraries and provide lists of travelers and cargo to the AA to help the EAO target boats carrying Tatmadaw troops and weapons.<sup>ii</sup>

On November 29 and November 30, the AA attacked vessels travelling in Mrauk-U and Kyauktaw Townships, respectively.<sup>iii</sup> In both cases, the Tatmadaw claimed the vessels were transporting construction materials for ongoing infrastructure projects. The AA countered that the vessels were carrying Tatmadaw troops and weapons. The AA also stopped a boat on December 5 and detained all 11 passengers on board and two skippers; they were released the next day.<sup>iv</sup>

The Tatmadaw continued to carry out arbitrary civilian arrests. Among the detained were two Department of Education employees from Rathedaung Township, arrested on December 3; four civilians from Minbya Township; and five civilians, including a woman, from Kyaukpyu Township.<sup>v</sup>

## VILLAGE ADMINISTRATOR CHAIRMAN KILLED

On December 11, in Minbya Township, a village administrator and two civilians were killed in Sittaya Village. The Tatmadaw and civilian witnesses presented conflicting accounts of the incident. Witnesses claimed that around 100 Tatmadaw soldiers entered the village at 11:00 P.M., beat the administrator to death using their guns, and shot his neighbor, a 30-year-old woman, to death.<sup>vi</sup> They then allegedly detained eight other members of the village administration committee, one of whom was later found dead and maimed.<sup>vii</sup> The Tatmadaw claimed that it was returning fire after the AA shot at it from inside the village, and that it found the woman and administrator already dead. A military-run newspaper later published that the village administrator was an AA soldier. The Tatmadaw did not comment on the death of the detained civilian.

After the incident, more than 60 Minbya Township village and ward administrators threatened to resign and demanded justice for those killed.<sup>viii</sup> Relatives of the deceased have filed complaints with the police. An uncle of the deceased detainee said, “We have filed a complaint with the police. But the police said we can’t say in our complaint [my nephew] was abducted by the troops. They said they would accept the complaint only when we say [my nephew] went missing from Sittaya and his body was found at the foot of a hill.”<sup>ix</sup>

## NLD TOWNSHIP CHAIRMAN KILLED

On December 11, the AA detained National League for Democracy (NLD) chairman for Buthidaung Township, Ye Thein, for trying to plan a rally to support the State Counselor’s defense at the International Court of Justice (ICJ).<sup>x</sup> A local Rakhine State community leader interviewed by MAA researchers said that the AA leadership advised the news media it would not allow any party or individual to hold an

event or ceremony to support the Government or the Tatmadaw in the ICJ case. The Rakhine leader explained that the AA was throwing its support behind the prosecution because “The Tatmadaw has been committing war crimes and crimes against humanity almost every day throughout Arakan State.”

Almost two weeks after his arrest, chairman Ye Thein was killed. According to the AA, he died when the Tatmadaw launched a response attack on an AA outpost in Buthidaung, which also killed several AA fighters. The Tatmadaw denied that a clash took place and, along with the NLD, accused the AA of killing the chairman shortly after abducting him.<sup>xi</sup>

It is unclear whether Ye Thein’s death was intentional. The Rakhine community leader, who spoke with MAA researchers before Ye Thein’s death, thought Ye Thein would be released after being interrogated. This is the second time in as many months that the AA has targeted and arrested Government officials. Hawi Ting, the Chin MP, who was arrested by the AA last month, has yet to be released. The AA told the *Irrawaddy* that it was keeping a close eye on politicians and Government officials in Rakhine State and Paletwa Township, in Chin State. It is likely that more NLD Government officials will be targeted in the future.

Details of civilians killed, injured, and displaced by the conflict between the AA and the Tatmadaw in Paletwa Township and Rakhine State are outlined in Table 1 (the data only covers December 1 through December 14, as ACLED had not yet released data for the second half of the month at the time of writing).

Table I. Civilians killed, injured, and displaced by conflict between the AA and the Tatmadaw, November 24 – December 14, 2019

Location		Number of Civilians Affected	Details of Civilians Affected
District	Township		
Maungdaw	Buthidaung	2 injured	<ul style="list-style-type: none"> <li>December 2: A Muslim man herding cattle near Tha Yet Pyin village stepped on a landmine and was seriously injured.</li> <li>December 9: A Muslim woman in Kyar Nyo Pyin village was injured by an artillery shell while picking vegetables.</li> </ul>
Mrauk-U	Kyauktaw	2 injured	<ul style="list-style-type: none"> <li>November 28: The Tatmadaw shot and seriously injured a villager of Hna Ma Dar, while on his boat, traveling to Khaung Toke to sell wood. He was taken to the hospital.</li> <li>November 29: A villager was hit by a piece of shrapnel and three houses were destroyed during a fight between the AA and the Tatmadaw. Fighting started after the AA fired shells at Tatmadaw vessels travelling in the upper Kaladan river.</li> </ul>
	Minbya	3 killed, 10 injured, over 1,700 displaced	<ul style="list-style-type: none"> <li>December 11: The Tatmadaw fired an artillery shell into Ku Lar Ma Taung village, injuring 10 villagers, three seriously. The military also carried out air strikes close to the village, causing over 1,700 villagers to flee.</li> <li>December 11: Tatmadaw troops beat the village administrator of Sittaya village and shot a woman to death. The soldiers detained eight people, one of whom was later found dead.</li> </ul>
	Mrauk-U	4 killed, 10 injured	<ul style="list-style-type: none"> <li>November 27: A villager from Kyaung Taung Village died in hospital after being struck by a stray bullet during a battle between the Tatmadaw and the AA.</li> <li>December 1: The Tatmadaw launched artillery, injuring three children and two women in Shar Yay Pyin village. One villager claimed the Tatmadaw had fired small guns at a group of women before firing artillery shells; the Tatmadaw said fighting broke out after the AA launched an attack from inside the village.</li> <li>December 2: A woman and her two children were killed, and four others injured, after an artillery shell hit a crowd of people in Ah Lel Zay Ward in Mrauk-U Town.</li> <li>December 11: the Tatmadaw shot a man during an interrogation, claiming he was trying to run away. The Tatmadaw brought the injured man to Minbya.</li> </ul>
Sittwe	Rathedaung	1 killed	<ul style="list-style-type: none"> <li>November 30: A 14-year-old tending cows near Ah Ngu Maw village was killed by a landmine explosion.</li> </ul>
Mindat	Paletwa	13 injured, 3 killed	<ul style="list-style-type: none"> <li>November 24: A middle aged man and a 12-year-old girl were injured by an artillery shell, fired during a battle between the Tatmadaw and AA near Ton Ma Wa village.</li> <li>November 28, one Rohingya refugee was killed and two others injured by a landmine explosion on the Myanmar side of the border between Myanmar and Bandarban, Bangladesh.</li> <li>December 2: Three ethnic Mro people were injured when an artillery shell, fired from a mile away, fell into their village.</li> <li>December 10: A passenger boat travelling from Paletwa Town to Taung Pyo was hit by bullets during an exchange of fire between the Tatmadaw and the AA. A child and a woman were killed, and six others injured.</li> </ul>

## TATMADAW TROOPS ARRIVE IN MAUNGDAW

This month, the Tatmadaw sent hundreds of soldiers and military intelligence officers into Rohingya villages in Maungdaw Township, allegedly on the pretext it was preparing for an attack by the Arakan Rohingya Salvation Army (ARSA).<sup>xii</sup> According to a local news source, *Kaladan Press*, local villagers panicked, believing the Tatmadaw's arrival heralded renewed attacks on Rohingya villages.<sup>xiii</sup> The Tatmadaw's motives for sending in the troops are unclear at this time.

## EXPLOSIONS AHEAD OF STATE COUNSELOR'S VISIT

On December 19, three mines exploded by the side of a road in Manaung Township, just hours before the State Counselor Aung San Suu Kyi arrived for a rare visit to Rakhine State to attend the opening ceremony of a new solar power plant, built with assistance from the South Korean firm POSCO Daewoo Corp.<sup>xiv</sup> No one was injured or killed by the explosions, which took place several miles away from the solar plant. No group has claimed responsibility. AA spokesman, Khine Thukha, denied that the AA was involved.<sup>xv</sup> This is the first time Manaung Township, an island off the coast of central Rakhine State, has been affected by conflict between the Tatmadaw and the AA.

## AA ANNOUNCES PLANS FOR TAXATION

This month, the AA announced its intention to levy taxes on infrastructure projects and big businesses operating in areas under its control, beginning in 2020.<sup>xvi</sup> Among the projects that would be taxed is the \$480 million Indian-funded Kaladan Multi-Modal Transit Transportation project (KMMTTP). The AA said projects and companies must share travel plans, and those that fail to pay will not be allowed to do business and will be destroyed. The AA is also considering imposing a 50 percent tax on police officers' and MPs' incomes.<sup>xvii</sup>

According to the AA, the tax is intended to show managers of projects like the KMTTP that it is in charge in Rakhine State. The EAO promised it would not fight near China's projects in Rakhine State, because China recognizes the AA's authority. An AA chief stated that the EAO wants to "maintain good ties with our neighbor, which is much more powerful than we are."<sup>xviii</sup>

The AA's announcement has already met resistance from local business people, who vow not to pay. One businessman speaking to the *Myanmar Times* said, "We support neither the military nor ethnic armed groups in their efforts to raise funds to buy weapons. People have suffered enough."<sup>xix</sup>

## AA LEADER'S WIFE ARRESTED

An AA leader's wife and their two children were detained in Thailand on December 4, after the Government of Myanmar revoked their passports.<sup>xx</sup> They are currently being held in a detention center in Bangkok.<sup>xxi</sup> Under Thai law, the three are due to be extradited to Myanmar, but the decision has been delayed following requests by human rights groups and the United Nations not to send them back to Myanmar.

According to a source speaking to the *Irrawaddy*, the Government of Myanmar gave the Thai government a list of 10 people they are seeking to arrest for being associated with the AA, including AA members' relatives. This incident, as well as the deportation of six Rakhine people from Singapore in July, indicates that the Tatmadaw and Government are targeting people with close ties to AA leaders across international borders to use as pressure points.

## SHAN STATE

In the first week of December, ACLED data showed a decrease in conflict in Shan State. The Tatmadaw and the Ta'ang National Liberation Army (TNLA) fought only twice, in

Loilen and Kyaukme Townships, on December 6 and 13, respectively.

Nonetheless, the conflict continues to affect civilians. On November 29, an artillery shell fell into a corn field, killing one woman and injuring three others.<sup>xxii</sup> The Tatmadaw maintained it had been fighting the TNLA in the area at the time, but the TNLA denied it. Landmines also continued to claim lives in Shan State. On November 26, a landmine explosion in Hsipaw Township killed a German tourist and injured an Argentinian woman, and on December 11, a landmine in Namhsan Township killed one villager and injured another.<sup>xxiii</sup>

### KAYIN STATE

On December 1, the joint forces of the Tatmadaw and Karen Border Force, and the Mon National Liberation Army (MNLA) clashed near Japan Yae Twin village, Kyainseikgyi Township, leading to one Tatmadaw casualty. The two groups fought in November as well, but when the conflict subsided this month, the Tatmadaw and MNLA held negotiations. The Tatmadaw agreed to withdraw from the MNLA camps it had seized, but relocated less than a kilometer away to the Hinthar Dine checkpoint between Japan Yae Twin village and Three Pagoda Pass.<sup>xxiv</sup>

A leader from the New Mon State Party (NMSP) said the Tatmadaw wants to control the MNLA forces' border exit and contain MNLA personnel by cutting through the logistical lines between the Three Pagoda Pass and the border gate. The NMSP leader argued this was in clear violation of the National Ceasefire Agreement (NCA) as well as the bilateral ceasefire agreement that the Tatmadaw has with the NMSP. The same leader did not think, however, that the MNLA would retaliate as it is "too weak to follow up on however Tatmadaw misbehaves towards MNLA forces."

The fighting caused more than 700 people taking shelter across the border in Thailand.<sup>xxv</sup> Following the Tatmadaw's withdrawal, large numbers of villagers have since returned, but many reported their houses had been ransacked and their property damaged or stolen.<sup>xxvi</sup> Civilians were also worried that conflict would resume since the Tatmadaw remained stationed too close to the village.

Figure 2 shows all the conflict actors and the number of violent interactions from November 24 to December 14, 2019, as reported by ACLED.

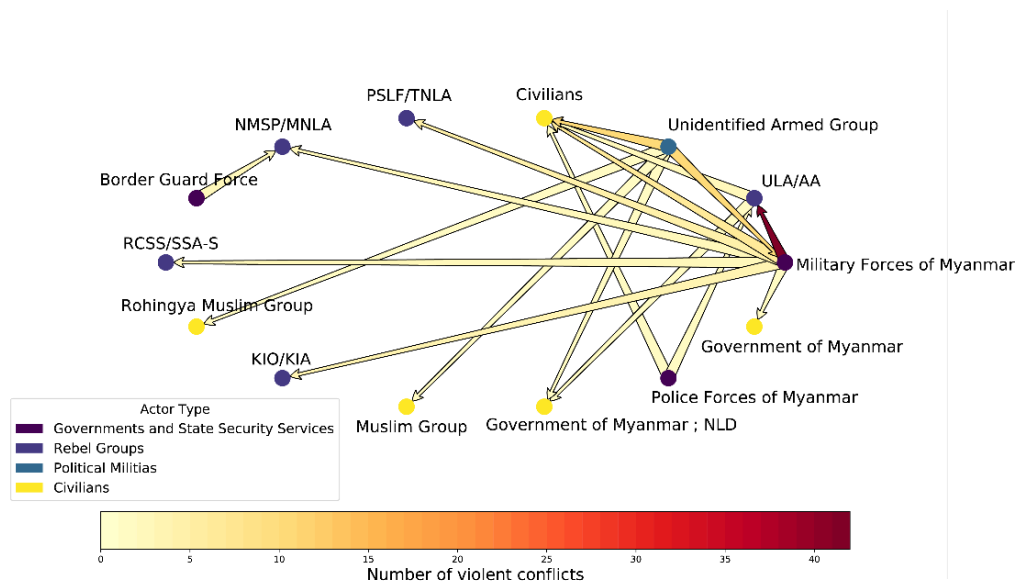


Figure 2. Conflict Actors (November 24 – December 14, 2019)  
KIMETRICA LLC, DATA SOURCE: ACLED

## POLITICS

- US places sanctions on senior officials within the Tatmadaw over alleged human rights abuses.
- Former NLD member, Thet Thet Khine, officially launches the People's Pioneer Party.
- A meeting between the National Reconciliation and Peace Center (NRPC) and Northern Alliance did not produce an agreement.
- House Parliament Speaker, T Khun Myat, vowed to hold a vote on constitutional amendments before the 2020 general election.

### US SANCTIONS

The US imposed Global Magnitsky sanctions on Commander-in-Chief Senior General Min Aung Hlaing and three other senior military officials: deputy Vice-Senior General Soe Win, Major General Than Oo and Major General Aung Aung over alleged human rights abuses against the Rohingya and other ethnic minorities.<sup>xxvii</sup>

On December 10, which is International Human Rights Day, the US Treasury Department released a statement accusing the Tatmadaw of “serious human rights abuses” and announced sanctions against the officials.<sup>xxviii</sup> The sanctions freeze any US assets held by the military officials and prohibit US citizens from doing business with the named individuals.

The sanctions were announced under the Global Magnitsky Human Rights Accountability Act, which targets alleged perpetrators of serious instances of human rights abuses and corruption. Fourteen individuals from other countries were also targeted.<sup>xxix</sup> The US sanctions announcement coincided with the first day of the hearings of The Gambia’s case against Myanmar at the ICJ but were not related.

In response to the Magnitsky sanctions, Brigadier-General Zaw Min Tun accused the US of ignoring the Tatmadaw’s “strenuous efforts” to address the crisis in Rakhine State and claimed the sanctions were politically motivated.<sup>xxx</sup>

It is likely that the impact of the sanctions will be limited. A former consultant for the World Bank previously told MAA researchers that Tatmadaw officials do not care about individual sanctions and have found a way around them, especially since it is not clear whether Tatmadaw officials own any US assets. The sanctions against individuals have, however, raised fears that additional, broader sanctions targeting Myanmar’s economy would soon follow. An MP from Rakhine State, Pe Than, underscored concerns that heightened international scrutiny stemming from the ICJ court case would lead to sanctions on the country.<sup>xxxi</sup>

### ELECTION UPDATE

#### ETHNIC STATES FEAR ELECTION CANCELLATION

Last month, the Union Election Commission (UEC) re-confirmed its plan to hold elections in all townships in Rakhine State in the second week of November.<sup>xxxii</sup> On November 29, at the opening of the local election monitoring office, the speaker of Rakhine State Parliament, San Kyaw Hla, also pledged that all elections in the state would take place, noting that if they did not, it would reflect poorly on the Government.

A resident from Kyaukpyu Township, southern Rakhine State, said that he and other local residents were discussing election cancellations in northern Rakhine State. Talking to MAA researchers, many locals doubted that elections would be held in northern Rakhine State, given the fighting between the Tatmadaw and the AA. A civil society organization member from Ponnagyun Township told MAA researchers that cancelled



elections were not as important as constitutional reform.

Although all elections took place in Rakhine State in 2015, elections were cancelled in 600 village tracts and seven townships in Kachin, Shan, Kayin, and Mon States and Bago Region, primarily as a result of conflict in the affected areas.<sup>xxxiii</sup> Locals and political parties fear that continued clashes between the AA and the Tatmadaw across several townships could make the Union Election Commission (UEC) consider the areas unsafe for elections.<sup>xxxiv xxxv</sup>

People outside of Rakhine State also worry that elections will be cancelled in their villages. A former Karen National Liberation Army commander told MAA researchers that the threat of disenfranchisement is playing into many EAOs' strategic plans for 2020.

“Whether or not to postpone fighting for the election is a catch-22 for EAOs. This is the question currently being discussed between the Karen National Union and the Northern Shan State Army, and we suspect many other EAOs,” the former commander explained.

He went on to say, “While the Karen [army] are not actively engaged in sustained conflict with the Tatmadaw, they are, nonetheless, threatening to use force to halt Tatmadaw road construction in Kayin State. To engage in conflict could conceivably put them on the ‘no vote list,’ but letting the Tatmadaw road construction go unchallenged would greatly weaken the Karen position while strengthening the Tatmadaw. The same holds true for northern Shan. Both governments and armies potentially face a lose-lose situation.”

## NEW POLITICAL PARTY

On November 31, ex-NLD member Thet Thet Khine officially launched the People's Pioneer Party (PPP), presenting it to voters as a programmatic party that would differ from the

paternalistic and personalistic politics offered by other major political parties.<sup>xxxvi</sup>

Businesswoman and politician Thet Thet Khine formed the PPP to compete with the NLD following her resignation from the party in October 2019. A controversial figure within the NLD, Thet Thet Khine was suspended from the NLD's executive committee in September 2018 after criticizing the NLD leadership.<sup>xxxvii</sup> Due to this breach of discipline, it was unlikely Thet Thet Khine would be selected as an NLD party candidate in the upcoming general election.<sup>xxxviii</sup>

Although the PPP only has 900 members, it is aiming to challenge the NLD in next year's general elections. It has not yet announced the number or location of constituencies where it will field candidates.<sup>xxxix</sup> The PPP faces “third party” competition from several other new parties on Myanmar's political scene, including the People's Party, which was formed by members of the 88 Generation movement last year to challenge the NLD in the Bamar regions.<sup>xl</sup> In addition, the Union Betterment Party, headed by former Speaker of the Lower House, Shwe Mann, announced on December 2 that it has recruited 300,000 members and opened branches in 200 townships since it was founded in April 2019.<sup>xli</sup>

While Thet Thet Khine maintains a high public profile, it is unclear whether the PPP will gain sufficient popularity before next year's election.<sup>xlii</sup> A political analyst working for an international nongovernmental organization in Yangon told MAA researchers that NLD's continued popularity left little room for third parties to win support amongst voters.

## PEACE PROCESS

On December 14, negotiations between the Northern Alliance and the Government, held in Kunming, China, failed to produce an agreement. Members of the Northern Alliance submitted a proposal to the National

Reconciliation and Peace Center (NRPC) in an attempt to break the deadlock in peace talks.<sup>xliii</sup> TNLA spokesperson, Major Tar Aike Kyar, refused to give details of the proposal, stating only that it had been rejected by the Government representatives. Political analyst Maung Maung Soe claimed that progress had been unlikely from the start because Tatmadaw officials were absent from the meeting.<sup>xliiv</sup>

Between December 2 and 4, the Peace Process Steering Team (PPST) held a meeting in Chiang Mai. In a statement, the PPST announced that it had ratified changes to the Terms of Reference of the EAOs that had signed the National Ceasefire Agreement and, in response to the ICJ case against the Government, released an artfully crafted statement that called on the Government to uphold international treaties and commitments to which it is a signatory.<sup>xlv</sup>

## **CORRUPTION WATCH**

On December 2, the Anti-Corruption Commission (ACC) filed charges against a senior land management official in Mon State for allegedly soliciting bribes. A statement released by the ACC claimed that Win Aung, the former deputy head of the Agriculture Farmland Management and Statistics Department for Ye Township, extorted bribes totaling MMK five million (\$3,316) from farmers when they applied to register vacant land abandoned by the military.<sup>xlvi</sup> Win Aung, who now holds the same position in Mawlamyine Township, was charged under Section 56 of the Anti-Corruption Law. If found guilty, he faces up to ten years in prison or a fine.

The latest charges brought by the ACC come as President Win Myint praised the commission's work in tackling corruption. Win Myint emphasized the ACC's independence, and lauded its actions against corrupt officials.<sup>xlvii</sup> While the national ACC was praised, the Mon State ACC released a

statement on December 12, saying that it had been able to investigate only one percent of all reported incidents of corruption over 2018 and 2019, underscoring the potential differences in capacity between the national ACC and its counterparts at the state and regional level.<sup>xlviii</sup>

## **CONSTITUTIONAL UPDATE**

In response to concerns raised by United Solidarity and Development Party (USDP) lawmakers over the lengthy delays in the constitutional amendment process, T Khun Myant, the speaker for the Union Parliament, told Parliament that the Charter Amendment Committee's work will be completed during the current term, and that legislation would be put forward to MPs.<sup>xlix</sup>

In support of the speaker's claims, Tin Thit, an NLD MP who sits on the Charter Amendment Committee, affirmed that the committee was nearly finished with its work and would be able to present its draft legislation to MPs during the next parliamentary session, which begins in the new year.<sup>l</sup>

The committee, which is responsible for reviewing the 3,700 proposed changes to the constitution and drafting legislation to put forward to Parliament, faces many obstacles as it drafts legislation. Two USDP MPs on the Charter Amendment Committee resigned from their roles in December, citing frustrations that the NLD-dominated committee continuously ignored their concerns.<sup>li</sup> Altogether, five MPs have resigned from the committee, which originally consisted of 45 members from 14 different political parties.<sup>lii</sup> MPs continue to debate the proposed changes in Union Parliament.<sup>liii</sup>

In the wake of the latest resignations, Major-General Tin Swe Win, who leads military lawmakers in Parliament, submitted a formal complaint to the Speaker of the Union

Parliament. The complaint accused the NLD of “tyranny,” and argued that the Charter Amendment Committee was no longer inclusive, following the resignations of multiple MPs.<sup>liv</sup>

## ECONOMY

- The IMF completed its annual visit to Myanmar. It highlighted positive GDP growth but cautioned that the country was still performing below its potential.
- The Government agrees to plans for a natural gas field off the coast of Myanmar.
- The Confederation of Trade Unions in Myanmar is preparing a proposal to raise the minimum wage.
- Myanmar’s garment exports are set to reach \$5 billion by the end of the fiscal year (April 2020) and are on course for their 2024 target of \$10 billion.

### INTERNATIONAL MONETARY FUND CONSULTATION VISIT

Every year, the IMF sends a team of economists to assess a country’s economic and financial development.<sup>lv</sup> In Myanmar, the IMF recently completed its Article IV consultations for 2019.

IMF economists highlighted that, in 2019, GDP growth had been stable at 6.5 percent, above the 6.4 percent growth observed in the previous year. It pointed out that this was still below the country’s potential, however. Growth was driven by strong garment industry and gas exports. But a small fiscal stimulus was met with weak domestic demand due to slowing credit growth, an increase in real estate prices, and declining investment. Inflation stood at 8.7 percent in September, and should fall to around 6 or 7 percent in the near future, as the impact from a higher energy tariff diminishes.

Foreign investment is slowing. The IMF warns that the medium-term outlook remains subdued in light of risks, including the 2020 parliamentary election, internal conflict, and global factors such as trade tensions, rising oil prices, and a decrease in China’s growth. The IMF views Myanmar’s long-term prospects as promising, however, due to its young and growing population and its advantageously strategic location between China and India.

The IMF welcomed recent reforms in the country, including the increase in electricity charges, the liberalization of the financial sector, and the move to greater exchange rate flexibility. To sustain growth, however, the IMF recommends that financial reform is still necessary, including continued recapitalization of the banking sector and prudent regulatory reforms to support lending. According to the IMF, other reforms should focus on the continuous improvement of the business environment to attract private investment to the country and continue to scale-up infrastructure projects that will support growth.

### ENERGY UPDATE

After years of negotiations, the Government reached an agreement with a consortium of three companies to develop the A-6 gas field off the coast of Ayeyarwady Region.<sup>lvi</sup> Myanmar businessman Moe Myint, the French company Total, and the Australian company Woodside signed a contract with the Ministry of Electricity and Energy in Naypyidaw. This momentous billion-dollar project will provide much-needed natural gas for domestic production.

The consortium first found gas in the region in 2012, and searched for more to ensure that the gas field would be commercially viable. After years of negotiations, an agreement was finally reached, although it is still not guaranteed that the project will go ahead. One hurdle is the

Government's requirement that gas production start by 2023. However, gas has mostly been found at a depth of over 2,000 meters (6,500 feet). To put things in perspective, when gas is found at 600 feet, it typically takes seven or eight years before production begins, making this a hugely ambitious timeline.<sup>lvii</sup>

The depth and complicated nature of the extraction will ensure, however, that the business consortium receives favorable terms from the Government of Myanmar. Typical profit splits for projects in ultra-deep water such as this one are a 55:45 split in the Government's favor. But given the depth and the likely small amount of reserves -- with estimates suggesting 2-3 trillion cubic feet -- it is probable the consortium received a very good deal, compounded by the Government's need for gas. Due to the country's energy shortage, the Government has to rely on an expensive emergency supply, and the A-6 gas field project promises to provide a steady gas supply over the next few years and a long-term revenue stream for the Government.<sup>lviii</sup>

## MINIMUM WAGE

The Confederation of Trade Unions in Myanmar finalized a survey conducted throughout the country and among several different industries, leading it to propose an increase of MMK 900 (\$0.60) an hour for an eight-hour workday.<sup>lix</sup>

The survey found that expenses are typically MMK 7,000 (\$4.76) a day without allowing for electricity or rent, which is often another MMK 50,000 (\$33.89) a month. Labor organizations will meet in the near future to discuss the proposal, but such a large increase is unlikely to be approved by all sides. The current rate of MMK 4,800 (\$3.26) was set in 2018, receiving an increase of MMK 1,200 (\$0.82) from the previous rate of MMK 3,600 (\$2.44), but well below the MMK 5,600 (\$3.80) labor

organizations were demanding at the time. The 2013 Minimum Wage Law, which first established a minimum wage in Myanmar, requires the Government to increase the minimum wage every two years. The next mandatory increase is due in 2020.<sup>lx</sup>

## EXPORTS

A report from Myanmar's Garment Entrepreneurs Association (MGEA) states that the country will reach its goal of \$10 billion in garment exports by 2024. The target was set in Myanmar's ten-year export strategy in 2014. During the fiscal year 2018-19, the textile manufacturing sector generated \$4.6 billion in export revenue, making up nearly 10 percent of the country's overall export revenues. Exports are expected to reach \$5 billion by the end of the 2019-20 fiscal year.<sup>lxi</sup>

The garment manufacturing industry currently employs a cut-make-and-pack (CMP) production system whereby local factories import all raw materials -- such as fabric and buttons -- and then assemble the garments for export. The Ministry of Commerce estimates that income could grow tenfold if the country shifted to a free-on-board system, whereby the exporter quotes a price that covers all costs, including delivery of goods aboard an overseas vessel, and it is up to the manufacturer to fulfill.<sup>lxii</sup>

Under the current export plans and targets, the industry is expected to employ a million workers in 600 factories by 2024, up from the 500,000 manufacturing workers presently employed today. The increase in manufacturing comes as trade wars and high wages reduce demand from other garment-producing countries in the region, such as China and Vietnam. Myanmar's daily minimum wage of 4,800 (\$3.26) kyat is among the lowest in Southeast Asia.<sup>lxiii</sup>

However, reports have arisen that the European Union may be preparing to remove Myanmar's General System of Preferences (GSP) according to Zaw Min Win, chair of the Union of Myanmar Federation of Chambers of Commerce and Industry.<sup>lxiv</sup> These privileges grant Myanmar duty-free trade with the EU, 60 percent of which are CMP garments. Duty-free exports to the EU from Myanmar rose from €535 million in 2015 to an estimated €2.3 billion in 2018.<sup>lxv</sup> If these GSP privileges are removed then CMP garments will see an increase in tax from 12 percent to 15 percent and exporters will be forced to find ways to stay more competitive, especially with neighboring countries who also enjoy GSP privileges. However, in a boost to the Myanmar garment industry, Kristian Schmidt, EU ambassador to Myanmar, tweeted that although the EU continues to monitor developments in Myanmar, there are no plans to withdraw the GSP.<sup>lxvi</sup>

### SHWE KOKKO UPDATE

According to a Mae Sot business community report, Chinese workers who live and work in Shwe Kokko come to Mae Sot to buy all of their goods. A local Karen leader told MAA researchers that recently, Chinese workers have started illegally importing cars into Myanmar through a well-known Kayin State Border Guard Force smuggling route, seven kilometers (4 miles) outside of Mae Sot on the Moei River. Shwe Kokko has yet to produce jobs for locals or increase demand for local goods. Thus far, Shwe Kokko's only increase has been in crime, as the report on car smuggling suggests.

## SOCIAL ISSUES

- Aung San Suu Kyi defends Myanmar before the ICJ from accusations of genocide against the Rohingya, receiving international criticism but huge domestic support.
- The Myanmar Human Rights Commission declines a request to investigate alleged civilian abuses committed against civilians in Rakhine State
- A group of 95 Rohingya, 25 of them children, are detained and tried for traveling without authorization.
- Myanmar sends a delegation, accompanied by ASEAN, to Cox's Bazar for another attempt at repatriation. Myanmar's motives are called into question.
- The United Wa State Army (UWSA) allows churches to reopen in areas under its control in northern Shan State.

### INTERNATIONAL COURT OF JUSTICE TRIAL

Between December 10 and 12, Myanmar appeared before the ICJ, facing accusations of genocide against the Rohingya. National and international news agencies closely monitored and reported on the trial. State Counsellor Aung San Suu Kyi travelled to The Hague to present Myanmar's defense. She refuted the claims of genocide and urged the court and international community to allow Myanmar to handle the situation domestically.<sup>lxvii</sup>

In all her speeches, the State Counsellor did not refer to the ethnic group as Rohingya but only as Muslims, except to state that the Arakan Rohingya Salvation Army (ARSA) insurgents sparked the conflict in Rakhine State. The Gambia and international observers criticized Aung San Suu Kyi's defense and denial of evidence.<sup>lxviii</sup> A court decision is pending on The Gambia's request to "take all measures within [the court's] power to prevent all acts

that amount to or contribute to the crime of genocide.”<sup>lxix</sup>

Reactions to Myanmar’s appearance before the ICJ were mixed. Aung San Suu Kyi received huge support in Myanmar, with notable exceptions from some ethnic minority groups. Hundreds of thousands rallied throughout the country in her honor, with rallies in Yangon and Chanmyathazi Townships, Mandalay State, reportedly drawing crowds of 100,000 and

300,000 respectively.<sup>lxx</sup> Conversely, the international community and Myanmar groups abroad commended the ICJ hearing. Over 30 human rights, academic, and professional organizations initiated a global “Boycott Myanmar Campaign” to encourage corporations, investors, and others to break off ties with Myanmar.<sup>lxxi</sup> Figure 3 illustrates domestic and international reactions to Myanmar’s appearance before the ICJ.

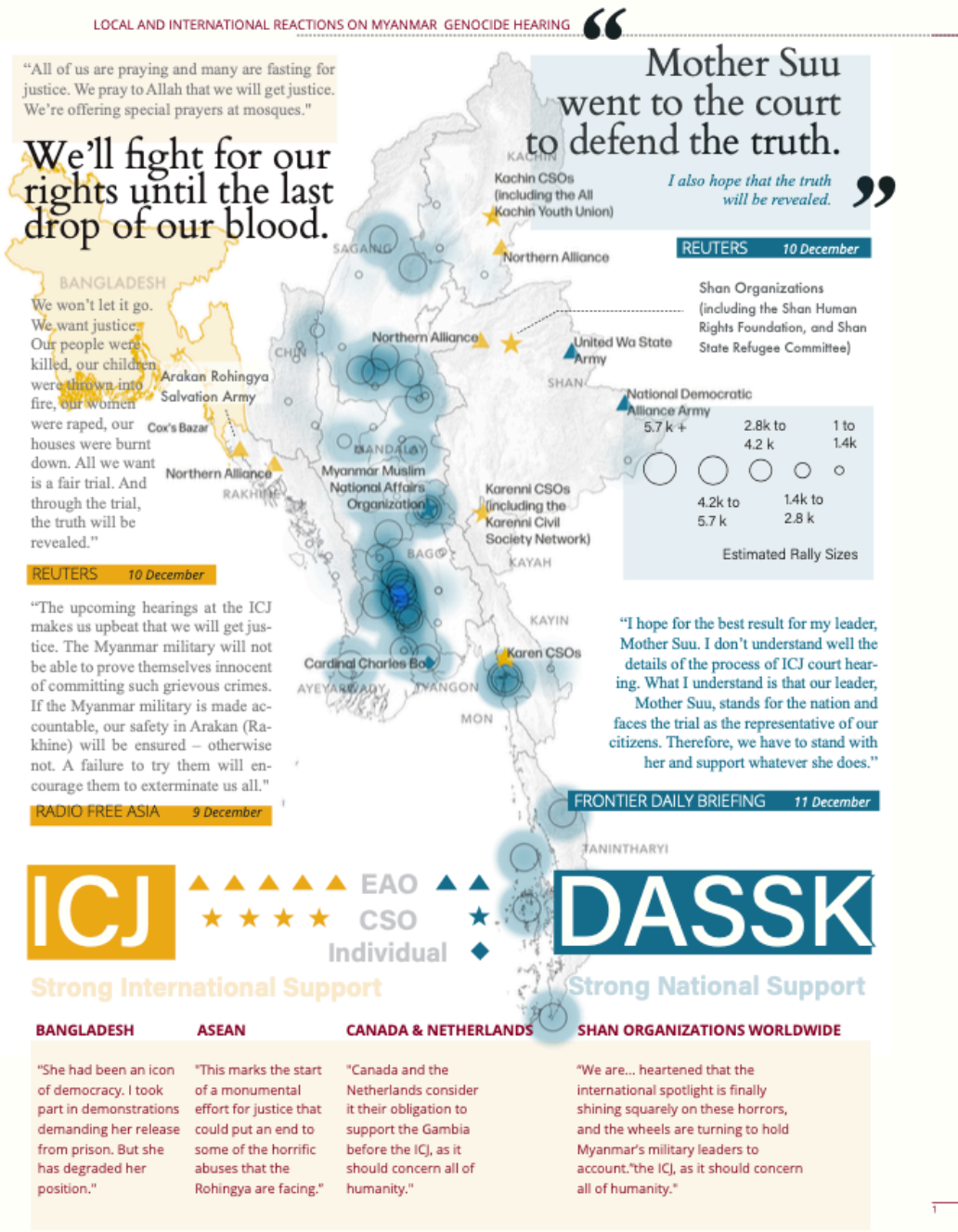


Figure 3. Local and International Reactions on Myanmar Genocide Hearing  
KIMETRICA LLC

Figure 3 cites quotes from observers and attendees at rallies held in support of Aung San Suu Kyi, gleaned from news sources, which show that much of the public throughout Myanmar is prepared to follow and support Aung San Suu Kyi, even without full information about the ICJ's role and procedures.

In a speech delivered on December 18, following her return to Myanmar, Aung San Suu Kyi announced her intention to translate the full court proceedings into Burmese and make them available to the public, which may address the general public's lack of knowledge about the ICJ trial procedures and why Myanmar appeared before it. It is unlikely that publishing the procedures of the trial will change many people's minds about their leader. Aung San Suu Kyi and the Government of Myanmar have portrayed the ICJ hearings as an attack on the nation, its unity, and its honor, and portrayed the court as a punitive body that has the power to punish Myanmar through sanctions and other actions.<sup>lxxii</sup>

A western journalist with years of experience working in Myanmar's ethnic minority states argued that the main reason Aung San Suu Kyi defended the Tatmadaw's actions was to strengthen her base among the Bamar and anti-Muslim ethnic minorities in Myanmar. The journalist added that as long as Suu Kyi has China, India, ASEAN, Japan, and Russia on her side, she does not need the support of Western governments or businesses.

### **MNHRC DECLINES INVESTIGATION INTO ABUSES IN RAKHINE**

On December 2, the Myanmar Human Rights Commission (MNHCR) declined a request to investigate alleged abuses committed against civilians in Rakhine State, submitted by two lawmakers from Kyauktaw Township in June.<sup>lxxiii</sup>

The MNHCR claimed to be too busy with other cases, and stated it was waiting for the conclusion of a Ministry of Defense tribunal into civilian deaths in army detention before launching an investigation into alleged abuses in Rakhine State. The Tatmadaw has issued no updates on the investigation since it was announced in July. The refusal to investigate reaffirms people's lack of trust in the justice system in Myanmar, and provides further evidence of Tatmadaw's impunity.

## **FREEDOM OF EXPRESSION WATCH**

### **THANGYAT PERFORMERS SENTENCED AGAIN**

On December 11, four members of the Peacock Generation *thangyat* troupe were sentenced under Section 66D of the Telecommunications Law to six months in prison with hard labor for criticizing the military in a performance in April 2019.<sup>lxxiv</sup> Three members of the same troupe were already sentenced to a year in prison with hard labor in October 2019, under Section 505a of the penal code, also for criticizing the Tatmadaw. The troupe insists that it is illegal to file multiple lawsuits in a single case, and consequently plans to boycott the remaining cases filed by the Tatmadaw.

### **KARENNI ACTIVISTS RELEASED FROM PRISON**

On November 25, one of six activists who spent six months in prison for criticizing the Kayah State Government in March was released.<sup>lxxv</sup> The remaining five were released on December 13. The six men had issued a statement in March, accusing the Kayah State Chief Minister and Minister of Planning and Finance of being traitors and misusing public funds after the state government erected a statue of General Aung San in Loikaw in February 2019, despite public opposition. The six activists were arrested in June and detained for four months before being sentenced under

the Law Protecting the Privacy and Security of Citizens in November 2019.

On December 27, the Loikaw District Court rejected an appeal submitted by the State Government in late November to extend the prison terms for the six activists.<sup>lxxxvi</sup> However, tensions could continue to brew over the case, as one of the activists told the *Irrawaddy* that they intend to continue their efforts to remove the statue.<sup>lxxxvii</sup> A Karenni MP has also criticized the sentencing prosecution as unfair, and called for the state government to provide an explanation for why they prosecuted the activists under the Privacy and Security Law.<sup>lxxxviii</sup>

## THE ROHINGYA

### ROHINGYA JAILED FOR ILLEGAL TRAVEL WHILE ICJ HEARING PROCEEDS

On November 29, 95 Rohingya, 25 of them children, were arrested for traveling without authorization.<sup>lxxxix</sup>

The human rights group Fortify Rights released footage showing Rohingya men, women, and children in overcrowded prison cells in Patheingyi, Ayeyarwaddy.<sup>lxxx</sup> They were caught traveling by boat from Rakhine State to a beach where buses were waiting for them to take them to Yangon. Defense lawyer Thazin Myint Myat Win stated that they were fleeing conditions in Rakhine State, described as deplorable by the United Nations.<sup>lxxxi</sup> The group attended a hearing on December 20, where they listened to testimony given by an immigration officer who accused them of lacking required travel documents. They are scheduled to attend another hearing on January 3.<sup>lxxxii</sup> They are the third group of Rohingya who have been caught and tried for illegal movement in recent months, sparking outrage from human rights groups.<sup>lxxxiii</sup>

The arrest of the 95 Rohingya explains why human rights defenders like Tafadzwa

Pasipanodya, a lawyer on the Gambian team, requested an emergency order to protect the Rohingya from further discrimination and harm, which they claim is part of the “ongoing genocidal campaign.” Pasipanodya stated that “The evidence of Myanmar’s genocidal intentions has actually strengthened over the past year.”<sup>lxxxiv</sup> John Quinley, a human rights specialist for Fortify Rights, cited the arrests as evidence of ongoing persecution, asserting that “the International Court of Justice should issue provisional measures to stop the ongoing persecution and violence.”<sup>lxxxv</sup>

### MYANMAR-ROHINGYA MEETINGS ON REPATRIATION BESET WITH DOUBTS

As Myanmar mounted its defense at the ICJ, Vice-Senior General Soe Win, deputy commander-in-chief of Myanmar’s defense services, expressed the country’s readiness for Rohingya repatriation to be carried out in collaboration with Bangladeshi Army Chief of Staff, General Aziz Ahmed.<sup>lxxxvi</sup> A week later, Myanmar sent a delegation from Naypyidaw to Bangladesh, along with representatives from ASEAN, to meet with Rohingya leaders in an attempt to reach an agreement. But no progress was made, leaving the Rohingya feeling “as hopeless as we felt before.”<sup>lxxxvii</sup>

Rohingya refugee leaders continue to demand citizenship, recognition of the Rohingya ethnicity, and international monitors to ensure a safe return home.<sup>lxxxviii</sup> Meanwhile, the Government of Myanmar maintained its position as well, not budging on its previous stance on key issues. One senior official who was present at the meetings stated, “The Foreign Ministry representative told the Myanmar delegation during the meetings that in the last two days, it failed to show that a single condition required for a safe, sustainable and dignified repatriation has been met.”<sup>lxxxix</sup> Instead of immediate guarantees of citizenship, Myanmar insisted returnees would need to first get National Verification Cards as non-Myanmar nationals, and those that qualified



under the 1982 Citizenship Law could then apply for citizenship. But those who have already started this process claim that, even a year later, progress has not been made.<sup>xc</sup> As for the Rohingya request for international observers, a foreign ministry official responded, “The Myanmar side unequivocally said that there will be no international presence. Everything will be done by us.”<sup>xcii</sup>

Due to the timing of the meeting with the ICJ hearings, Myanmar’s motives in this meeting were called into question. A professor from Jahangirnagar University claimed that as Myanmar awaited the verdict from the ICJ, it used the meeting with Rohingya leaders to convince the international community that it cares about Rohingya repatriation and is working to make it happen.<sup>xciii</sup> The meetings were also described by attending Bangladeshi officials as “nothing but a farce.”<sup>xciii</sup>

### **RESTRICTIONS ON ASSESSMENTS OF IDP CAMPS**

As the number of Rakhine internally displaced persons (IDPs) reached nearly 100,000, both Tatmadaw and AA forces were monitoring human rights factfinders visiting IDP camps. According to an activist from a human rights organization, the All Arakan Students and Youths Congress (AASYC), its factfinders were unable to conduct interviews in IDP camps freely because their movements were restricted and they were closely monitored by the AA and the Tatmadaw.

The organizers of the Arakan Women Peace Forum are also under watch by local authorities and informers for the AA because

they invited women from IDP camps to talk about their plight in a public forum last month.

Although it is not surprising that the Tatmadaw restricts free expression in IDP camps, due to its established history of violating free speech, it is unusual that the AA is monitoring and restricting the AAYSC and organizers of the Arakan Women Peace Forum. The AA often recruits from the AASYC and has traditionally enjoyed a good relationship with the human rights activists. A foreign advisor on pro-democracy and human rights movements in Myanmar believes the AA fears that too much information about the poor conditions in IDP camps will feed into Tatmadaw propaganda and be used to diminish support among the AA’s base in Rakhine State.

### **WA REGION ALLOWS CHURCHES TO REOPEN IN SHAN STATE**

Over a year after the United Wa State Army (UWSA) shut down over 100 Christian Churches in areas under its control in northern Shan State, allegedly to prevent religious extremism, more than 50 churches reopened.<sup>xciv</sup> Some schools that are associated with churches remain closed, however, including four Catholic schools and a Bible study school. “All of our churches finally opened last week, and only a Bible study school is left still closed in Hotaung. We don’t know why they will not allow this one to reopen yet. I would like to appeal to them to reopen the school.”<sup>xcv</sup> On-the-ground information is still sparse, as authorities have yet to invite religious leaders to many areas of the Wa Region.

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