

MYANMAR

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Part 1: Overview of Myanmar

A. Country Background

Myanmar Facts ¹	
Geographical size	676,577 sq km
Population	51.49 million ²
Ethnic breakdown ³	Main ethnic groups: Burman (68%) Shan (9%) Karen (7%) Arakanese or Rakhine (4%) Mon (2%)
Official language(s)	Myanmar or Burmese
Literacy rate (aged 15 and above)	89.5%
Life expectancy	66.8
GDP	US\$67.43 billion (per capita US\$1,275) ⁴
Government	A presidential republic with nominal or quasi-federal features. Executive power is limited by military prerogatives written into the highly undemocratic Constitution, e.g. military appointees fill 25% of parliamentary seats.
Political and social situation	Although the civilian NLD won the 2015 general election by a landslide, a brutal crackdown on Rohingya Muslims in Rakhine State and ongoing conflict between the military and ethnic groups led to massive displacement. Despite some reforms, the growth of Buddhist extremist groups also adversely affected intercommunal relations between the Buddhist majority and the Muslim minority.

^{*} Also known as the Republic of the Union of Myanmar or Burma.

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¹ Data from 2014. Ministry of Immigration and Population, The 2014 Myanmar Population and Housing Census: The Union Report – Census Report, Volume 2, Nay Pyi Taw: Ministry of Immigration and Population, 2015, at 1-2.

² Census figures include only estimates of certain populations in Rakhine (mainly Rohingya) and Kayin States: see, Ministry of Immigration and Population (note 1 above), at 3.

³ 'The world factbook: Burma' Central Intelligence Agency, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>, accessed on 3 December 2017. However, these ethnic breakdowns are highly contested with many arguing that the government consistently underestimates the size of non-Burman communities. Official figures are also likely to be flawed in border areas which remain inaccessible to government and international agencies alike.

⁴ Data from 2016. 'Myanmar' The World Bank, available at <https://data.worldbank.org/country/myanmar>, accessed on 3 December 2017.

System of governance

Myanmar is a presidential republic with nominal or quasi-federal features. The President is head of state whilst executive powers are limited by military prerogatives enshrined in the 2008 Constitution (which was drafted at the military's behest in the 1990s and 2000s). These prerogatives include occupancy of a quarter of all parliamentary seats by unelected military representatives directly nominated by the Commander-in-Chief, a provision effectively prohibiting any constitutional amendments unfavourable to the military.⁵ Further, the Commander-in-Chief also nominates the three important ministerial positions of defence, home affairs, and border affairs.⁶ Moreover, the military is free from civilian oversight⁷ and even possesses the power to influence or remove civilian rule in times of national emergencies.⁸ Aside from being highly undemocratic, the Constitution has also been criticised for being insufficiently federalist due to the lack of equal and proportional devolution of powers from the Union to ethnic states as reflected in the Union Legislative List,⁹ the Region or State Legislative List¹⁰ and the List of Legislation of the Leading Body of Self-Administered Divisions or Self-Administered Areas.¹¹

Although the National League for Democracy (NLD) party won by a landslide in the general election of 8 November 2015, its chair, Aung San Suu Kyi, was not eligible for the presidency as Art 59(f) of the Constitution bars anyone with a parent, spouse or child who is a foreign national from holding the post – Aung San Suu Kyi's children are British nationals. In the months following the election preceding formation of the executive, a serious debate raged over whether to amend or suspend the section to allow her to become president.¹² However, constitutional reform for this purpose failed to materialise; instead, the NLD-dominated parliament created the position of State Counselor giving Aung San Suu Kyi de facto head of government powers.¹³ The NLD government has been in power since March 2016.

⁵ Constitution of the Republic of the Union of Myanmar, ss.109 (b), 141(b).

⁶ Constitution of the Republic of the Union of Myanmar, s.232(b)(ii).

⁷ Constitution of the Republic of the Union of Myanmar, s.338.

⁸ Constitution of the Republic of the Union of Myanmar, ss.40(c), 417-9.

⁹ Constitution of the Republic of the Union of Myanmar, Schedule I.

¹⁰ Constitution of the Republic of the Union of Myanmar, Schedule II.

¹¹ Constitution of the Republic of the Union of Myanmar, Schedule III.

¹² 'Bill Committee member hints at charter change' Myanmar Times, 10 February 2016, available at <https://www.mmmtimes.com/national-news/nay-pyi-taw/18897-bill-committee-member-hints-at-charter-change.html>, accessed on 17 February 2016; 'Nationalists warn NLD on constitution' Myanmar Times, 29 February 2016, available at <https://www.mmmtimes.com/national-news/nay-pyi-taw/19224-nationalists-warn-nld-on-constitution.html>, accessed on 1 March 2016.

¹³ 'State counsellor' bill approved despite military voting boycott' Myanmar Times, 5 April 2016, available at <https://www.mmmtimes.com/national-news/19844-military-protests-but-parliament-passes-state-counsellor-bill.html>, accessed on 5 April 2016.

B. International Human Rights Commitments and Obligations

As shown in Table 1 below, although Myanmar is a party to four major international human rights treaties—the ICESCR, CRDP, CRC, and CEDAW—it has been slow to put into place domestic legislation and instruments to comply with treaty obligations and duties, albeit with a few exceptions. For example, following ratification of the CRC in 1991, Myanmar enacted the Child Law (1993) and its rules (2001) with the express aim of implementing the rights enshrined in the CRC.¹⁴ Further, at the end of 2016, a new child law was drafted by the Ministry of Social Welfare Relief and Resettlement with the support of UNICEF for submission to parliament in 2017.¹⁵ Likewise, the 2015 Rights of Persons with Disabilities Law was enacted to comply with the CRPD.

However, it also attached reservations to certain conventions including Art 29 of CEDAW (on dispute resolution and interpretation of the Convention), Arts VI and VIII of the Convention on the Prevention and Punishment of the Crime of Genocide (on immunity from prosecutions), and Art 16(1) of the Convention Against the Taking of Hostages (on dispute resolution).

Table 1: Ratification Status of International Instruments – Myanmar¹⁶

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Punishment (CAT)		
Optional Protocol of the Convention against Torture		
International Covenant on Civil and Political Rights (ICCPR)		
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
Convention for the Protection of All Persons from Enforced Disappearance (CED)		
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)		22 Jul 1997 (a)

¹⁴ Child Law, s.3(a).

¹⁵ UNICEF Myanmar, ‘Delivering results for children 2016: Programme of cooperation between the Government of the Union of Myanmar and UNICEF’ available at [https://www.unicef.org/myanmar/Delivering_results_for_children_2016_Final_preview_version\).pdf](https://www.unicef.org/myanmar/Delivering_results_for_children_2016_Final_preview_version).pdf), accessed on 3 December 2017, at 9.

¹⁶ ‘Ratification status for Myanmar’ United Nations Human Rights Office of the High Commissioner, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx, accessed on 7 October 2017.

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		
International Covenant on Economic, Social and Cultural Rights (ICESCR)	16 Jul 2015	6 Oct 2017
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)		
Convention on the Rights of the Child (CRC)		15 Jul 1991 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	28 Sep 2015	
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography		16 Jan 2012 (a)
Convention on the Rights of Persons with Disabilities (CRPD)		7 Dec 2011 (a)

C. National Laws Threatening Human Rights

As mentioned above, several undemocratic, unfederal provisions in the Constitution, in terms of doctrinal text and implementation, continue to have an adverse impact on human rights, affecting both the population in general, and diverse ethnic and religious communities in particular. For example, the three ministries of defence, home affairs, and border affairs are under the Commander-in-Chief's control effectively meaning all internal and external defence and security matters are in the hands of one person. Further, the government is unable to exert direct influence on the decisions and actions of the military or police.

Religiously motivated legislation

Four religiously motivated laws demanded by Ma Ba Tha (the Organisation for the Protection of Race and Religion) were enacted by August 2015: the Health Care Law Relating to the Adjustment of Population Growth, the Law Relating to Religious Conversion, a Special Law Relating to the Marriage of Myanmar Buddhist Women, and the Law Relating to the Practice of Monogamy.

The population growth law requires a presidential order and has never been invoked. The Buddhist women's special marriage law has not been popular despite anecdotal evidence that it is becoming increasingly difficult, if not impossible, to register

marriages between non-Buddhist men and Buddhist women due to cumbersome requirements. Although concerns were initially expressed that the four laws would target religious minorities, especially Muslims, the Buddhist majority has taken the brunt of the monogamy law as many Buddhist women have taken advantage of it to sue their Buddhist husbands for extramarital and/or polygamous relations.¹⁷ Finally, despite the religious conversion law prescribing punishment for forced conversion, in May 2016, Ma Ba Tha converted 71 people to Buddhism (8 Christians, 5 Hindus, and 58 Muslims) in Meiktila, Mandalay Region,¹⁸ an area which also saw the occurrence of serious interreligious violence in March 2013.

Citizenship Law 1982

To Myanmar's Rohingya population, the text and implementation of the Citizenship Law 1982 still poses an unsurmountable obstacle to the recognition, respect, protection, and fulfilment of nationality rights. The law creates two classes of citizens with different rights: citizens of indigenous ancestry and citizens of non-indigenous ancestry.¹⁹ Indigenous citizens are treated as a privileged class of citizenry whereas other types of citizens, including the Rohingya, are granted a lesser status. Since the government and military began negotiations with indigenous armed groups for nationwide peace, this structural discrimination has become more entrenched in recent years, further eroding the status of non-indigenous citizens.²⁰ In addition, non-native citizens are classified as citizens, associate citizens, and naturalised citizens, all of which may be revoked in the interests of the state. The Rohingya have been subject to this discriminatory text since the early 1990s, with the result that they are almost totally undocumented despite claiming roots in the region going back centuries.²¹

D. Recent Court Cases Relating to Human Rights

Several defamation cases in 2016 filed by individuals, members of parliament, and other groups under s.66(d) of the Telecommunications Act (2013) illustrate the growing threat to freedom of expression.

¹⁷ Crouch, M, 'Promiscuity, polygyny, and the power of revenge: The past and future of Burmese Buddhist law in Myanmar' *Asian Journal of Law and Society*, 2016, Vol 3, No 1, pp 85-104; 'The monogamy law's unintended consequences' *Frontier*, 11 November 2015, available at <https://frontiermyanmar.net/en/opinion/the-monogamy-laws-unintended-consequences>, accessed on 12 November 2015; 'More cases filed under Monogamy Law' *Myanmar Times*, 19 February 2016, available at <https://www.mmmtimes.com/national-news/yangon/19081-more-cases-filed-under-monogamy-law.html>, accessed on 20 February 2016.

¹⁸ 'Residents critical of large-scale religious conversion in Meiktila' *Myanmar Times*, 24 May 2016, available at <https://www.mmmtimes.com/national-news/mandalay-upper-myanmar/20465-residents-critical-of-large-scale-religious-conversion-in-meiktila.html>, accessed on 2 December 2017.

¹⁹ Kyaw, NN, 'Alienation, discrimination, and securitization: Legal personhood and cultural personhood of Muslims in Myanmar' *Review of Faith & International Affairs*, 2015, Vol 13, No 4, pp 50-59.

²⁰ Cheesman, N, 'How in Myanmar 'national races' came to surpass citizenship and exclude Rohingya' *Journal of Contemporary Asia*, 2017, Vol 47, No 3, pp 461-483.

²¹ Kyaw, NN, 'Unpacking the presumed statelessness of Rohingyas' *Journal of Immigrant & Refugee Studies*, 2017, Vol 15, No 3, pp 269-286.

Yangon Region Government v Eleven Media Group

On 5 November 2016, well-known journalist-cum-publisher, Than Htut Aung, CEO of Eleven Media Group, wrote an article in English accusing the Chief Minister of Yangon Region, Phyo Min Thein, of taking a Patek Philippe watch worth US\$100,000 from prominent businessman, Maung Weik, as a bribe.²² Although naming neither individual by name, sufficient clues were provided to pinpoint the two. The same article in Burmese also appeared on the same day in the Daily Eleven (published by Eleven Media Group) while its English version was likewise posted online.²³ Further, Htut Aung went on to share the story on his personal Facebook wall.²⁴

The Yangon Region government asked Htut Aung and the Eleven Media Group for an explanation; both refused to comply, citing freedom of the press but responded that Htut Aung's piece was an op-ed based on social media sources so should not be taken as a regular news story. Nevertheless, the regional government sued him for his Facebook post under the defamation clause (s.66(d) of the Telecommunications Act). In addition, for printing the story, the government filed another complaint with the Myanmar Press Council which led to the arrest and imprisonment of Htut Aung and Eleven Media's chief editor, Wai Phyo, on 11 November.²⁵

When both failed to secure bail even after Than Htut Aung suffered a heart attack on 23 November,²⁶ the newspaper published an official apology to Phyo Min Thein on 27 December stating that the accusations had been "wrong and groundless."²⁷ Saying it was "completely unacceptable" for journalists to be detained because of what they publish, Reporters Without Borders (RSF) called on the Myanmar authorities to release the duo.²⁸ The high-profile case led to heightened debate on s.66(d) within and without

²² 'Myanmar: A year after the Nov 8 polls' The Straits Times, 5 November 2016, available at <http://www.straitstimes.com/asia/se-asia/myanmar-a-year-after-the-nov-8-polls>, accessed on 1 October 2017.

²³ An English version with the title slightly altered was also posted on the Eleven Media Group website on 5 November: 'Myanmar, one year after the Nov 8 polls' Eleven, available at <http://www.elevenmyanmar.com/opinion/6470>, accessed on 1 October 2017.

²⁴ 'Yangon govt sues Eleven over story implying Chief Minister took bribe' Myanmar Times, 3 December 2017, available at <https://www.mmmtimes.com/national-news/yangon/23583-yangon-govt-sues-eleven-over-story-implying-chief-minister-took-bribe.html>, accessed on 25 July 2017.

²⁵ 'Eleven Media CEO, chief editor taken to Insein on defamation charges' Frontier Myanmar, available at <https://frontiermyanmar.net/en/eleven-media-ceo-chief-editor-taken-to-insein-on-defamation-charges>, accessed on 26 July 2017.

²⁶ 'Bail denied for Eleven Media CEO, editor' Myanmar Times, 23 December 2016, available at <https://www.mmmtimes.com/national-news/24348-bail-denied-for-eleven-media-ceo-editor.html>, accessed on 18 August 2017.

²⁷ 'Eleven issues apology over defamation case' Frontier Myanmar, 28 December 2016, available at <https://frontiermyanmar.net/en/eleven-issues-apology-over-defamation-case>, accessed on 17 August 2017.

²⁸ 'RSF calls for release of Eleven Media CEO and chief editor' Mizzima, 24 November 2016, available at <http://www.mizzima.com/news-domestic/rsf-calls-release-eleven-media-ceo-and-chief-editor>, accessed on 1 June 2017.

Myanmar focusing on freedom of expression, social media, defamation, the role of the Myanmar Press Council, and criminal action against media by powerholders.²⁹

Military v NLD Central Research Team Secretary

Ex-political prisoner and prominent member and secretary of the Central Research Team of the NLD party, Myo Yan Naung Thein, was arrested on 3 November 2016 after the Yangon Region Command filed a case against him under s.66(d) of the Telecommunications Act³⁰ for a 14 October Facebook post criticising Commander-in-Chief, Senior General Min Aung Hlaing.³¹

As such, this high-profile political case pitted the National League for Democracy or NLD against the military. While the NLD pledged legal support to their member,³² the complainant, Lin Tun (Deputy Director General of the Yangon Cantonment Area), denied higher command had asked him to file the case.³³ Myo Yan Naung Thein was repeatedly denied bail until late December.³⁴ As of late December 2016, the case is still pending.

E. Some Positive Developments

Repeal of the State Protection Act

Once convened, the NLD-dominated parliament moved to repeal the Law Safeguarding the State from the Danger of Subversive Elements in April 2016.³⁵ Commonly known as the State Protection Act, it was enacted in 1975 by the Burma Socialist Programme

²⁹ 'Eleven Media case puts 66(d) in the media spotlight, again' Frontier Myanmar, 4 December 2016, available at <https://frontiermyanmar.net/en/eleven-media-case-puts-66d-in-the-media-spotlight-again>, accessed on 1 August 2017; 'Govt avoiding public scrutiny, says new PEN Myanmar chair' Frontier Myanmar, 5 December 2016, available at <https://frontiermyanmar.net/en/govt-avoiding-public-scrutiny-says-new-pen-myanmar-chair>, accessed on 1 August 2017.

³⁰ 'NLD member appears in court for telecommunications charges' Irrawaddy, 4 November 2016, available at <https://www.irrawaddy.com/news/burma/nld-member-appears-in-court-for-telecommunications-charges.html>, accessed on 5 November 2016.

³¹ 'NLD researcher formally charged with defamation over Facebook critique' Myanmar Times, 18 November 2016, available at <https://www.mmtimes.com/national-news/yangon/23764-nld-researcher-formally-charged-with-defamation-over-facebook-critique.html>, accessed on 18 November 2016.

³² 'NLD pledges to support party member accused of defaming Tatmadaw commander-in-chief' Myanmar Times, 7 November 2016, available at <https://www.mmtimes.com/national-news/23510-nld-pledges-to-support-party-member-accused-of-defaming-tatmadaw-commander-in-chief.html>, accessed on 8 November 2016.

³³ 'NLD researcher's defamation case not coming from military higher-ups: Complainant' Myanmar Times, 28 November 2016, available at <https://www.mmtimes.com/national-news/23931-nld-researcher-s-defamation-case-not-coming-from-military-higher-ups-complainant.html>, accessed on 28 November 2016.

³⁴ '66(d)-pyin ta-ya-swè-kan-ya-thi U Myo Yang Naung Thein-e a-ma-kan shauk-ta-hmu pè-kya-kan-ya' (Bail denied for Myo Yang Naung Thein sued under section 66(d)), 7 Day Daily, 28 December 2016, available at <http://www.7daydaily.com/story/84599>, accessed on 29 December 2016.

³⁵ 'Parliament eyes revocation of 'oppressive' security law' Irrawaddy, 28 April 2016, available at <https://www.irrawaddy.com/news/burma/parliament-eyes-revocation-of-oppressive-security-law.html>, accessed on 29 April 2016; 'Parliament to debate axing junta-era law' Myanmar Times, 3 May 2016, available at <https://www.mmtimes.com/national-news/nay-pyi-taw/20075-parliament-to-debate-axing-junta-era-law.html>, accessed on 4 May 2016.

Party (BSPP) government to maintain law and order and protect the rights of citizens. However, it has also been used by the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC) to repress political opposition, e.g. it was repeatedly used to put Aung San Suu Kyi under house arrest.³⁶ Moreover, in 1991, the SLORC enacted the Law Amending the Law Safeguarding the State from the Danger of Subversive Elements (SLORC Law 11/91), extending permissible periods of detention from not exceeding 180 days at a time up to a total of 3 years, to not exceeding one year at a time up to a total of 5 years. The amendment also deleted s.21 of the previous law (granting judicial rights of appeal against extensions of state orders), effectively giving the SLORC discretionary powers to detain any person up to 5 years. Commonly known as the State Protection Law, it was repealed by the NLD-dominated parliament by the Law Repealing the Law Safeguarding the State from the Danger of Subversive Elements (Pyidaungsu Hluttaw Law 27/2016, dated 26 May 2016).³⁷

Repeal of the Emergency Provisions Act

In 2016, the NLD government also repealed the Emergency Provisions Act which had been used by the SLORC/SPDC government in the 1990s and 2000s to imprison hundreds of political dissidents. Enacted in 1950 by the Anti-Fascist People's Freedom League (AFPFL) government to control a raging civil war, this law had in turn repealed its predecessor, the Emergency Provisions Act 1948.

The NLD-dominated Hluttaw set out to repeal the law in August 2016 when the Lower House Bill Committee submitted its draft bill,³⁸ leading to the Law Repealing the Emergency Provisions Act (Pyidaungsu Hluttaw Law 39/2016) in October.³⁹ The Act was notorious among ex-political prisoners, many of whom had been arrested and imprisoned under its provisions, and many of whom went on to become members of parliament after the 2015 November general elections.

Move to enact a law to protect individual freedoms and the personal security of citizens

In September 2016, the Lower House Bill Committee submitted another bill to protect individual citizens' fundamental rights, privacy, and security. Bill Committee Chair, Tun Tun Hein, said about the proposed bill:

³⁶ Placed under house arrest three times, she was finally released in November 2010: 20 July 1989 to 10 July 1995; 23 September 2000 to 6 May 2002; and 30 May 2003 to 13 November 2010.

³⁷ 'Hluttaws revoke oppressive state protection law' Myanmar Times, 26 May 2016, available at <https://www.mmtimes.com/national-news/nay-pyi-taw/20512-hluttaws-revoke-oppressive-state-protection-law.html>, accessed on 26 May 2016.

³⁸ 'Bill committee moves to abolish controversial Emergency Provisions Act' Irrawaddy, 2 August 2016, available at <https://www.irrawaddy.com/news/burma/bill-committee-moves-to-abolish-controversial-emergency-provisions-act.html>, accessed on 3 August 2016.

³⁹ 'Parliament abolishes Emergency Provisions Act' Democratic Voice of Burma, 5 October 2016, available at <http://www.dvb.no/news/parliament-abolishes-emergency-provisions-act/71356>, accessed on 5 October 2016.

Our lives need to have safety. In the past, we used to live under anxiety ... when our doors would be knocked on, or when we would be arrested. So the state has to be held responsible for the safety of its citizens. In the past, our phones were always being tapped and private correspondences were being stealthily read. These behaviours very much aggravated security of life.⁴⁰

Accordingly, based on Art 357 of the Constitution, the new bill reads:

The Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution.

The bill was approved in the lower house on 20 September amidst objections by members of the quarter-strong military bloc.⁴¹ It was then sent to the upper house which amended ten points on 10 October before once again being submitted to the lower house. Still awaiting a decision at the pending Union Parliament, the bill has yet to become law at the end of 2016.⁴²

Part 2: Outstanding Human Rights Issues

A. Statelessness and the Rohingya

The statelessness of the Rohingya remained the most serious human rights issue throughout 2016. First arising in the late 1970s following the first Rohingya exodus to Bangladesh, this group's plight became an issue amidst heavy-handed immigration checks conducted by the socialist military-dominated regime.⁴³ This was followed by a second exodus in the 1990s caused by militarisation in Rakhine State.⁴⁴ All who fled on these two occasions were eventually repatriated.⁴⁵ As previously mentioned, throughout

⁴⁰ 'Bill committee submits law to protect citizens' Myanmar Times, 9 September 2016, available at <https://www.mmtimes.com/national-news/22419-bill-committee-submits-law-to-protect-citizens.html>, accessed on 7 September 2016.

⁴¹ 'Bill on personal freedoms, security passes Pyithu Hluttaw' Myanmar Times, 22 September 2016, available at <https://www.mmtimes.com/national-news/nay-pyi-taw/22657-bill-on-personal-freedoms-security-passes-pyithu-hluttaw.html>, accessed on 23 September 2016.

⁴² 'Pyidaungsu Hluttaw to decide on bill to protect citizens' freedom, security' Myanmar Times, 17 February 2017, available at <https://www.mmtimes.com/national-news/nay-pyi-taw/24981-pyidaungsu-hluttaw-to-decide-on-bill-to-protect-citizens-freedom-security.html>, accessed on 18 February 2017.

⁴³ Kyaw (see note 21 above).

⁴⁴ Kyaw (see note 21 above).

⁴⁵ Kyaw (see note 21 above).

the 1990s and 2000s, the Rohingya were arbitrarily and intentionally rendered undocumented by the government which failed to grant citizenship or naturalise the group according to the 1982 Myanmar Citizenship Law.⁴⁶ This law classifies citizens into native and non-native citizens, with both holding different rights.⁴⁷ Further, citizenship of non-native citizens may be revoked for unspecified reasons⁴⁸ regardless of how long they have lived in Myanmar.⁴⁹ Instead of colour-coded identity cards known as Citizenship Scrutiny Cards (CSCs) given to other peoples, many, if not most Rohingya were given temporary identity certificates known as the 'white card' from the 1990s onwards.⁵⁰

Despite this, those Rohingya only holding temporary identity certificates were still allowed to vote and establish political parties in both the 1990 and 2010 general elections.⁵¹ However, following the interreligious violence of 2012 in Rakhine State that pitted Rohingya and non-Rohingya Muslims against Rakhine Buddhists, the Rohingya's citizenship status sparked more heated debate.⁵² Without more permanent CSCs, the Rohingya were and are extremely vulnerable in terms of social and political identity. In particular, their rights to vote and establish political parties were questioned because the general population felt such rights should only apply to fully fledged citizens.⁵³ Following a Presidential Order in 2015,⁵⁴ the Rohingya were asked to exchange their white cards for another temporary identity document known as the Identity Card for National Verification (ICNV).⁵⁵ Lacking permanency and official standing, these cards were not welcomed by the Rohingya.⁵⁶ Nonetheless, the NLD government proceeded with the project originally initiated by Thein Sein's administration. As of 23 December 2016, 397,497 white cards had been returned in Rakhine State but only 6,077 ICNVs had been issued⁵⁷ meaning that state-wide, about half of Rohingya were still holding on to their now invalid white cards and only 1.5% of Rohingya returning their white cards were in possession of ICNVs at the end of 2016.

⁴⁶ Kyaw (see note 21 above).

⁴⁷ Kyaw (see note 19 above).

⁴⁸ Kyaw (see note 19 above).

⁴⁹ Kyaw (see note 19 above).

⁵⁰ Kyaw (see note 21 above).

⁵¹ Kyaw (see note 21 above).

⁵² Kyaw (see note 21 above).

⁵³ Kyaw (see note 21 above).

⁵⁴ Kyaw (see note 21 above).

⁵⁵ 'Myanmar officials issue green cards to Muslims in Rakhine State' Radio Free Asia, 15 June 2015, available at <http://www.rfa.org/english/news/myanmar/officials-issue-green-cards-to-muslims-in-rakhine-state-06152015145915.html>, accessed on 15 June 2015.

⁵⁶ 'New 'green cards' meet resistance' Myanmar Times, 18 June 2015, available at <https://www.mmtimes.com/national-news/15082-new-green-cards-meet-resistance.html>, accessed on 20 June 2015.

⁵⁷ 'Identity card for national verification in Rakhine to return' Global New Light of Myanmar, 27 December 2016, at 1.

In October and November 2016, hundreds of Rohingya men led by Harakah al-Yaqin (Faith Movement, HaY), attacked several border guard posts in Rakhine State with knives, slingshots, and a few firearms, killing nine police. Most likely caused by chronic statelessness since at least the 1990s and the protracted displacement of Muslims since 2012—as of December 2016, about 120,000 people remained displaced in 36 camps or camp-like settings in eight townships around Rakhine State—the attack led to an immediate military backlash.⁵⁸ Deemed a Muslim insurgency with Saudi and Pakistani funding by the International Crisis Group⁵⁹ and terrorists by the Myanmar government,⁶⁰ the violence quickly resulted in a security clearance operation which caused the deaths of an unknown number of people, displacement of 93,000 Muslims (24,000 in Rakhine State and 69,000 who fled to Bangladesh), and the burning down of hundreds of homes and buildings.⁶¹ All these old and new dynamics adversely affected human rights and peace in Rakhine State, a crisis that, as of December 2016, has not yet been resolved.

B. Freedom of Expression and Defamation Cases

Another serious human rights issue relates to freedom of expression which was increasingly curtailed in 2016 by a series of defamation cases filed under s.66(d) of the Telecommunications Act 2013. This provision was used by individual citizens, the government, the military, and media organisations alike. While only 7 cases were filed during Thein Sein's administration,⁶² during NLD's nine-month rule from April to December 2016, 38 were initiated. Moreover, bail was only granted in 20 cases where civilians had allegedly been defamed. In cases where powerful persons such as President Htin Kyaw, State Counselor Aung San Suu Kyi, Commander-in-Chief Min Aung Hlaing, and the Yangon Region Chief Minister were allegedly defamed, bail was not forthcoming with judges reportedly being pressured by their superiors to deny applications.⁶³

⁵⁸ 'Humanitarian response plan: Monitoring report – January-December 2016' United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Myanmar, available at <https://reliefweb.int/report/myanmar/2016-humanitarian-response-plan-monitoring-report-january-december-2016>, accessed on 13 July 2017.

⁵⁹ International Crisis Group, *Myanmar: A New Muslim Insurgency in Rakhine State*, Brussels: International Crisis Group, 2016.

⁶⁰ '14 violent attackers, 17 terrorist trainees arrested in Maungdaw' Global New Light of Myanmar, 15 November 2016, available at <http://www.globalnewlightofmyanmar.com/14-violent-attackers-17-terrorist-trainees-arrested-in-maungdaw/>, accessed on 4 December 2017.

⁶¹ International Crisis Group (see note 59 above).

⁶² 'Journalists launch campaign, call for termination of article 66(d)' Irrawaddy, 6 June 2017, available at <https://www.irrawaddy.com/news/burma/journalists-launch-campaign-call-termination-article-66d.html>, accessed on 7 July 2017.

⁶³ '66(d): The defamation menace' Frontier Myanmar, 13 January 2017, available at <https://frontiermyanmar.net/en/66d-the-defamation-menace>, accessed on 14 January 2017.

While these high-profile cases heightened public debates on s.66(d),⁶⁴ the NLD government was also criticised for doing little to hasten its demise.⁶⁵ As such, a civil society network known as the Committee for Amending the Telecommunications Act was formed in September 2016.⁶⁶ Due to increased public interest, Shwe Mann—ex-speaker of the Lower House and chair of the Commission for the Assessment of Legal Affairs and Special Issues at the Union Parliament—joined the debate, asking for public input.⁶⁷ However, strong political will to repeal the legislation appears lacking as both the NLD and the military are involved in such cases having also allegedly been defamed.

Faced with intense pressure, lower house speaker Win Myint responded: “It [the Telecommunications Act] was necessary to promulgate originally. That kind of law is promulgated in every country. There is no country where that kind of law is not promulgated. When diplomats, international guests discuss that law with me, I respond as I have just now.”⁶⁸ Significantly, Win Myint’s comment that freedom of expression must be subject to truth and evidence, illustrates NLD’s belief that freedom of expression and defamation are two distinct issues. Thus, the debate to amend or repeal s.66(d) remains on Myanmar’s agenda, both in the NLD-dominated parliament and government and amongst the general public as well.

C. Anti-Minority Trends and Religious Freedom

In 2012, 2013, and 2014, violence broke out between Rohingya and non-Rohingya Muslims and Buddhists in Rakhine State, and between Buddhists and Muslims in other parts of Myanmar resulting in an unprecedented nationwide campaign against Islam and Muslims in general. Led by nationalist Buddhist monk networks and organisations such as 969 and Ma Ba Tha, the movement was active from 2013 through 2015 when its legal campaign resulted in the enactment of four race and religion laws (all passed

⁶⁴ Chan, D, ‘Memo to Myanmar’s leaders: Thick skins, not defamation suits, further free speech’ Myanmar Times, 18 November 2016, available at <https://www.mmmtimes.com/opinion/23768-memo-to-myanmar-s-leaders-thick-skins-not-defamation-suits-further-free-speech.html>; ‘Section 66(d), the newest threat to freedom of expression in Myanmar?’ Myanmar Times, 23 November 2016, available at <https://www.mmmtimes.com/national-news/23843-section-66-d-the-newest-threat-to-freedom-of-expression-in-myanmar.html>, both accessed on 24 November 2016; ‘Section 66(d) illogical: Experts’ Eleven, 15 December 2016, available at <http://www.elevenmyanmar.com/local/7045>, accessed on 12 June 2017.

⁶⁵ ‘Freedom of speech remains illusory in the new Burma’ Irrawaddy, 8 November 2016, available at <https://www.irrawaddy.com/opinion/commentary/freedom-of-speech-remains-illusory-in-the-new-burma.html>, accessed on 8 November 2016; ‘A gauge for democracy: Media freedoms under fire in the new Myanmar’ Myanmar Times, 7 November 2016, available at <https://www.mmmtimes.com/opinion/23520-a-gauge-for-democracy-media-freedoms-under-fire-in-the-new-myanmar.html>, accessed on 7 November 2016.

⁶⁶ ‘Activists launch campaign to reform telecoms law’ Myanmar Times, 19 October 2016, available at <https://www.mmmtimes.com/national-news/23164-activists-launch-campaign-to-reform-telecoms-law.html>, accessed on 23 October 2016.

⁶⁷ ‘Ex-Speaker asks for public input on telecoms defamation clause’ Myanmar Times, 16 November 2016, available at <https://www.mmmtimes.com/national-news/23697-ex-speaker-asks-for-public-input-on-telecoms-defamation-clause.html>, accessed on 17 November 2016.

⁶⁸ ‘Speaker not speaking out on telecoms law defamation’ Myanmar Times, 22 December 2016, available at <https://www.mmmtimes.com/national-news/24337-speaker-not-speaking-out-on-telecoms-law-defamation.html>, accessed on 5 December 2017.

by August 2015): the Health Care Law Relating to Adjustment of Population Growth, the Law Relating to Religious Conversion, the Special Law Relating to the Marriage of Myanmar Buddhist Women, and the Law Relating to the Practice of Monogamy.

Accordingly, Ma Ba Tha and its nationwide network, launched an unprecedented anti-Islam/Muslim discourse that adversely affected intercommunal relations between the Buddhist majority and the Muslim minority.⁶⁹ The movement also increasingly targeted the democratic opposition led by the NLD because the latter had failed to lend support to their campaign. Consequently, in the months and weeks preceding the general election on 8 November 2015, several Ma Ba Tha monk leaders blatantly encouraged Buddhists not to vote for the NLD and implicitly to vote for the United Solidarity and Development Party (USDP) chaired by President Thein Sein.⁷⁰

When the NLD won the election anyway, Ma Ba Tha found itself in a difficult position. However, because its anti-Muslim message had successfully indoctrinated significant sections of the majority Buddhist community, to further challenge the NLD government, Ma Ba Tha and like-minded groups such as the Myanmar National Network and the Patriotic Myanmar Monks Union, proceeded with their anti-Rohingya and anti-Muslim campaign. As such, they continued to invade Muslim religious buildings and private homes, thus, affecting the religious freedom of Muslims. For example, on 2 April 2016, they protested the appointment of Henry Van Thio (an ethnic Chin Christian) as Vice President of the NLD-dominated parliament.⁷¹ Likewise, in mid-April, Buddhist monks from the Patriotic Myanmar Monks Union forcibly removed Muslim vendors near the Shwe Dagon Pagoda in Yangon,⁷² and protested the use of the controversial ethnonym 'Rohingya' as used by a US embassy condolence statement on 20 April.⁷³ Similarly, in July, the Patriotic Myanmar Monks Union questioned a Buddhist religious goods seller at the Shwe Dagon Pagoda over alleged acquisition of supplies from a Muslim.⁷⁴

⁶⁹ McCarthy, G, and Menager, J, 'Gendered rumours and the Muslim scapegoat in Myanmar's transition' *Journal of Contemporary Asia*, 2017, Vol 47, No 3, pp 396-412; van Klinken, G, and Su Mon Thazin Aung, 'The contentious politics of anti-Muslim scapegoating in Myanmar' *Journal of Contemporary Asia*, 2017, Vol 47, No 3, pp 353-375; Kyaw (see note 19 above); Kyaw, NN, 'Islamophobia in Buddhist Myanmar: The 969 movement and anti-Muslim violence' in Crouch, M (ed), *Islam and the State in Myanmar: Muslim-Buddhist Relations and the Politics of Belonging*, Delhi: Oxford University Press, 2016, at 183-210.

⁷⁰ 'Ma Ba Tha: NLD is the party of 'Islamists'' Irrawaddy, 21 September 2015, available at <http://www.irrawaddy.com/election/news/ma-ba-tha-nld-is-the-party-of-islamists>, accessed on 22 September 2015; 'Support incumbents, Ma Ba Tha leader tells monks' Irrawaddy, 23 June 2015, available at <https://www.irrawaddy.com/news/burma/support-incumbents-ma-ba-tha-leader-tells-monks.html>, accessed on 24 June 2015.

⁷¹ 'Nationalists rally against both vice presidents' Myanmar Times, 5 April 2016, available at <https://www.mmtimes.com/national-news/19820-nationalists-rally-against-both-vice-presidents.html>, accessed on 6 April 2016.

⁷² 'Peace activists call on authorities to intervene over Shwedagon incidents' Myanmar Times, 27 April 2016, available at <https://www.mmtimes.com/national-news/yangon/19976-peace-activists-call-on-authorities-to-intervene-over-shwedagon-incidents.html>, accessed on 28 April 2016.

⁷³ 'Nationalists rally against US embassy's use of term 'Rohingya'' Myanmar Times, 29 April 2016, available at <https://www.mmtimes.com/national-news/yangon/20031-nationalists-rally-against-us-embassy-s-use-of-term-rohingya.html>, accessed on 30 April 2016.

⁷⁴ 'Patriotic monks union' interrogates Shwedagon vendor over origin of goods' Irrawaddy, 22 July 2016, available at <https://www.irrawaddy.com/news/burma/patriotic-monks-union-interrogates-shwedagon-vendor-over-origin-of-goods.html>, accessed on 22 July 2016.

On 23 June in Thuye Thamain village, Waw township, Bago Region, a quarrel between a Muslim man and his Buddhist neighbour resulted in the destruction of the village mosque, a building being constructed by the Muslim man allegedly as another mosque, his shop, and a few other Muslim households. Although the man was also attacked, no official action was taken.⁷⁵ On 1 July, in Lone Khin village, Hpakant township, Kachin State, a Buddhist mob burned down a prayer hall used by Muslims⁷⁶ that was later said by the Ministry of Religious Affairs and Culture to have been illegally built by a Muslim engineer in 2014.⁷⁷

Most probably because Christians typically belong to government-recognised ethnic minority groups such as the Kachin and Chin, on the whole, Christian-Buddhist relations have been unproblematic. However, the religious freedom of Christians was also challenged and violated by a stupa-building spree on the grounds of Baptist and Anglican churches in 2015-2016. The ethnic Kayin patron and spiritual leader of the Democratic Kayin Buddhist Army (DKBA),⁷⁸ Myaing Gyi Ngu Sayadaw U Thuzana, and his team built a stupa within the compounds of a Baptist church in Mi Zine village, Hpa-an township, Kayin State on 21 August 2015.⁷⁹ Religious affairs minister, Soe Win, intervened but in vain.⁸⁰ Again in 2016, U Thuzana first erected a Buddhist statue, planted a Buddhist flag, and built another stupa within the compounds of St Mark's Anglican church in Kondawgyi village, then built a stupa near a mosque on 25 April.⁸¹ In an attempt to break the deadlock, NLD-appointed religious affairs minister, Aung Ko, met with church leaders but still no official action was taken against the monk.⁸² Condemnations by non-Kayin Buddhist monks and Ministry of Religious Affairs and

⁷⁵ 'Mosque destroyed in Myanmar village as tensions flare between Muslims and Buddhists' Radio Free Asia, 24 June 2016, available at <http://www.rfa.org/english/news/myanmar/mosque-destroyed-in-myanmar-village-as-tensions-flare-between-muslims-and-buddhists-06242016155224.html>, accessed on 25 June 2017.

⁷⁶ 'Mob burns down Muslim prayer hall in Hpakant' Myanmar Times, 4 July 2016, available at <https://www.mmmtimes.com/national-news/21172-mob-burns-down-muslim-prayer-hall-in-hpakant.html>, accessed on 5 July 2016.

⁷⁷ 'Govt to take action against those behind 'illegal' Hpakant mosque' Irrawaddy, 4 August 2016, available at <https://www.irrawaddy.com/news/burma/govt-to-take-action-against-those-behind-illegal-hpakant-mosque.html>, accessed on 5 August 2016.

⁷⁸ 'Myaing Gyi Ngu Sayadaw-ka Sangha Maha Nayaka-yè-auk-hma-ma-shi-lo kaing-twè ma-ya-bu' (Myaing Gyi Ngu Sayadaw is not under Sangha Maha Nayaka so uncontrollable) Democratic Voice of Burma, 4 May 2016, available at <http://burmese.dvb.no/archives/148270>, accessed on 4 May 2016.

⁷⁹ 'Minister promises Christians removal of dream-inspired stupa' Myanmar Times, 8 September 2015, available at <https://www.mmmtimes.com/national-news/16360-minister-promises-christians-removal-of-dream-inspired-stupa.html>, accessed on 9 September 2015.

⁸⁰ 'Sayadaw refuses to halt stupa construction' Myanmar Times, 17 September 2015, available at <https://www.mmmtimes.com/national-news/16516-sayadaw-refuses-to-halt-stupa-construction.html>, accessed on 18 September 2015.

⁸¹ 'Myanmar Buddhist monk erects another pagoda on disputed land' Radio Free Asia, 4 May 2016, available at <http://www.rfa.org/english/news/myanmar/myanmar-buddhist-monk-erects-another-pagoda-on-disputed-land-05042016154223.html>, accessed on 5 May 2016.

⁸² 'Provocations mount in stupa saga' Myanmar Times, 5 May 2016, available at <https://www.mmmtimes.com/national-news/20127-provocations-mount-in-stupa-saga.html>, accessed on 5 May 2016.

Culture officials seemed to have little effect either.⁸³ However, most likely due to the controversies, Myaing Gyi Ngu Sayadaw eventually abandoned his stupa building spree.

D. Lack of Progress in the Peace Process

Fuller enjoyment of civil, political, economic, social, and economic rights by ethnic minorities and other non-minority communities across Myanmar largely depends on whether a nationwide ceasefire agreement between all ethnic armed groups (EAGs), the government, and the military can be reached. As such, President Thein Sein offered an olive branch to the EAGs, suggesting a two-step process on 18 August 2011: a state/region-level peace agreement followed by a union-level pact.⁸⁴ Union-level peace negotiations were thus held between the government-formed Myanmar Peace Centre (MPC), EAGs, the government, and the military, resulting in the signing of a Nationwide Ceasefire Agreement (NCA) on 15 October 2015 by 8 EAGs, the government, and parliament with other EAGs abstaining.⁸⁵ The NLD government inherited this unfinished peace process.

Aung San Suu Kyi convened the first round of the Union Peace Conference–21st Century Panglong Conference (UPC) in Nay Pyi Taw from 31 August to 3 September 2016 which was attended by representatives of the government, the military, and 17 EAGs including both signatories and non-signatories.⁸⁶ Three other non-signatories, the Arakan Army (AA), the Myanmar National Democratic Alliance Army (MNDAA), and the Ta'ang National Liberation Army (TNLA), were not invited.⁸⁷ The United Wa State Army (UWSA), the largest and most well-equipped ethnic army, walked out on the second day because they were only allowed to observe, not participate.⁸⁸ In the end, the lauded peace conference failed to result in any significant agreements.⁸⁹

⁸³ 'Myanmar religious officials decry Buddhist monk's pagoda-building spree' Radio Free Asia, 11 May 2016, available at <http://www.rfa.org/english/news/myanmar/myanmar-religious-officials-decry-buddhist-monks-pagoda-building-spre-05112016155932.html>, accessed on 11 May 2016.

⁸⁴ Government of the Republic of the Union of Myanmar Announcement No 1/2011, 18 August 2011, New Light of Myanmar, 19 August 2011, at 1.

⁸⁵ 'Myanmar signs historic cease-fire deal with eight ethnic armies' Radio Free Asia, 15 October 2015, available at <http://www.rfa.org/english/news/myanmar/deal-10152015175051.html>, accessed on 1 January 2016.

⁸⁶ 'Union Peace Conference – 21st century Panglong begins' Mizzima, 31 August 2016, available at <http://www.mizzima.com/news-domestic/union-peace-conference—21st-century-panglong-begins>, accessed on 1 September 2016.

⁸⁷ 'Three armed groups barred from peace conference' Irrawaddy, 29 August 2016, available at <https://www.irrawaddy.com/news/burma/three-armed-groups-barred-from-peace-conference.html>, accessed on 30 August 2016.

⁸⁸ 'Wa delegation walks out of Panglong conference' Frontier, 1 September 2016, available at <https://frontiermyanmar.net/en/wa-delegation-walks-out-of-panglong-conference>, accessed on 2 September 2016.

⁸⁹ 'Not without wrinkles, peace conference lauded for taking landmark 'first steps'' Myanmar Times, 5 September 2016, available at <https://www.mmtimes.com/national-news/22313-not-without-wrinkles-peace-conference-lauded-for-taking-landmark-first-steps.html>, accessed on 6 September 2016.

On the first anniversary of the NCA, Aung San Suu Kyi and Commander-in-Chief, Senior General Min Aung Hlaing once again encouraged non-signatories to sign the pact.⁹⁰ On the same day, the government also announced a seven-step roadmap for national reconciliation and union peace to: review and amend the political and dialogue framework; convene the UPC in accordance with the former; sign the union agreement agreed at the UPC; amend the Constitution accordingly; hold multi-party elections under the new rules; and build a democratic federal union in accordance with the election results.⁹¹ The government also began negotiations with the United Nationalities Federal Council (UNFC) composed of non-signatories.⁹²

With no peace in sight, the Northern Alliance (a combined alliance of the Kachin Independence Army (KIA), the AA, the MNDAA, and the TNLA) launched an attack in Shan State on 20 November causing casualties and injuries.⁹³ After the Myanmar military regained control, the Alliance demanded a group peace talk to be attended by China and observed by UWSA but Myanmar's peace commission instead insisted on one-to-one negotiations.⁹⁴ With nothing decided, a peace march was held in Yangon in December⁹⁵ leading the government to offer a peace talk with the Alliance⁹⁶ which in turn, demanded said talks be genuine and equal.⁹⁷ Thus, there were both developments and drawbacks throughout the peace process of 2016. At the end of the year, the process is still pending.

⁹⁰ 'Ceasefire anniversary prompts calls for more signatories' Myanmar Times, 17 October 2016, available at <https://www.mmmtimes.com/national-news/23122-ceasefire-anniversary-prompts-calls-for-more-signatories.html>, accessed on 18 October 2016.

⁹¹ 'The government's roadmap for national reconciliation and Union peace' New Light of Myanmar, 16 October 2016, at 1.

⁹² 'UNFC to meet with govt peace commission' Myanmar Times, 14 October 2016, available at <https://www.mmmtimes.com/national-news/nay-pyi-taw/23088-unfc-to-meet-with-govt-peace-commission.html>, accessed on 14 October 2016.

⁹³ 'Ethnic armed groups launch attack near Muse' Myanmar Times, 21 November 2016, available at <https://www.mmmtimes.com/national-news/23800-ethnic-armed-groups-launch-attack-near-muse.html>, accessed on 21 November 2016.

⁹⁴ 'Kunming ceasefire foray quickly falls apart' Myanmar Times, 6 December 2016, available at <https://www.mmmtimes.com/national-news/24058-kunming-ceasefire-foray-quickly-falls-apart.html>, accessed on 6 December 2016.

⁹⁵ 'White flag' marchers in Yangon urge end to conflict' Myanmar Times, 7 December 2016, available at <https://www.mmmtimes.com/national-news/yangon/24083-white-flag-marchers-in-yangon-urge-end-to-conflict.html>, accessed on 7 December 2016.

⁹⁶ 'Burma government invites Northern Alliance to peace talks' Irrawaddy, 20 December 2016, available at <https://www.irrawaddy.com/news/burma/burma-government-invites-northern-alliance-to-peace-talks.html>, accessed on 20 December 2016.

⁹⁷ 'Northern Alliance renews call for dialogue to end Shan State conflict' Myanmar Times, 23 December 2016, available at <https://www.mmmtimes.com/national-news/24345-northern-alliance-renews-call-for-dialogue-to-end-shan-state-conflict.html>, accessed on 23 December 2016.

Part 3: Conclusion

Human rights and the peace process remained contentious and power-laden issues in Myanmar throughout the reporting period of 2016. More importantly, these issues were particularly susceptible to politicking between the NLD government and its supporters on the one hand, and other powerful groups mainly consisting of military factions, on the other. Since democratic transition in Myanmar—spanning from 1988 when the previous military regime grabbed power in a coup through 2016 when the popular NLD party was elected—is fairly recent, it is hardly surprising the quality of its ensuing democracy is still relatively poor.

Despite this, since forming a government and dominating parliament from March 2016 onwards, the NLD has tried to initiate significant legal reforms to respect, protect, and fulfil human rights. However, at the same time, one can scarcely deny it has inherited a chronic repressive past. For example, the number of s.66(d) cases (many of which tried to restrict freedom of expression) significantly increased after the NLD came to power, providing solid evidence that human rights have yet to be realised in transitional Myanmar.

Another grave issue is the unfinished peace process between the government and EAGs whose legacy the NLD inherited from Thein Sein's administration. Accepting its predecessor's previous efforts, the NLD also attempted several new initiatives such as the UPC that have yet to bear fruit. Peace was also disturbed by fighting between the military and the Northern Alliance which felt excluded from the process. Likewise, the emergence of a poorly-armed yet violent Rohingya insurgency exacerbated the situation. Mainly caused by chronic arbitrary deprivation of Rohingya rights, growing numbers of this population have become radicalised, thus affecting the future of human rights and peace in Rakhine State and potentially the whole country.

For all these old and new problems, many of which await resolution by legal and governmental reforms or actions, 2016 proved to be a difficult year for human rights and peace in Myanmar. Indeed, only now is the NLD-led government beginning to learn the difficulties of running a country such as Myanmar with its repressive past and problematic present still plagued by entrenched power structures dominated by a constitutionally and socio-politically sanctioned military complex.