

Insights

MYANMAR POSTCARD - 17 JULY 2020

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Election date set for 8 November 2020

The Union Election Commission (UEC) has announced that Myanmar's next general election will be held on 8 November 2020. The last general election was held on 8 November 2015 and the National League of Democracy, led by Daw Aung San Suu Kyi, won a landslide victory.

330 (out of 440) seats in Pyithu Hluttaw (the Lower House) and 168 (out of 224) seats in Amyotha Hluttaw (the Upper House) will be contested. Under the Constitution the remaining 110 seats in Pyithu Hluttaw and 56 seats in Amyotha Hluttaw are reserved for Military appointees.

In addition, 644 regular seats and 29 ethnic minority seats in state and regional parliaments will be contested.

Myanmar extends suspension of international flights

The Ministry of Foreign Affairs announced that it will be extending certain travel restrictions to 31 July 2020, in order to prevent the spread of COVID-19. These restrictions include the suspension of issuing all types of visas to foreigners and precautionary measures against all travellers.

The Department of Civil Aviation also announced on the same day that it would extend its ban on the landing of all international commercial passenger flights at all Myanmar airports to 31 July 2020.

EU suspends Myanmar's debt payment obligations

On 1 July 2020, the ambassadors of the European Union (the "EU"), France, Germany, the Netherlands, Finland, Austria and Poland announced that the EU has agreed to Myanmar's request to its bilateral creditors to defer payments totalling US\$98 million (134.5 billion kyats) due between May to December 2020. The amount constitutes 20 percent of Myanmar's debt payments due in the same period.

The ambassadors noted in their letter to U Soe Win, Union Minister of planning, finance and industry, that "Myanmar is fully eligible for support under the debt moratorium (Debt Service

Suspension Initiative)” and that the debt suspension is “in order to focus efforts on economic recovery from COVID-19.” EU Ambassador Kristian Schmidt, who also signed the letter, said in a statement on 2 July 2020 that the move is part of “Team Europe’s” latest “coordinated global response to the COVID-19 crisis.” The ambassadors also called on Myanmar’s other sovereign creditors, including China, to provide similar support.

This announcement from the EU is the first confirmed debt suspension for Myanmar provided pursuant to the G20 and Paris Club Debt Service Suspension Initiative agreement from April 2020. The G20 debt moratorium covers all countries receiving international development assistance and “least-developed countries”.

Myanmar is one of 47 nations considered “least-developed countries” by the UN. It is also among the countries that has seen the most intense socioeconomic impacts from COVID-19. The latest report from the World Bank predicted that Myanmar’s economic growth could fall from 6.8 to 0.5 percent this year due to COVID-19.

ICJ Order on Provisional Measures – Current Status

In light of the COVID-19 pandemic the deadlines for Gambia to file their initial pleading in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, and for Myanmar to file their reply, have been extended by 3 months by way of an order. The deadlines were postponed from 23 July 2020 to 23 October 2020 for Gambia and from 25 January 2021 to 23 July 2021 for Myanmar.

In accordance with the International Court of Justice (“**ICJ**”) order on provisional measures of 23 January 2020 (see our [February 2020 postcard](#)) (the “**Provisional Measures Order**”), Myanmar submitted its first report on 22 May 2020 on the steps it is taking to protect Rohingya from atrocities. The report currently remains confidential, although the ICJ has the power to make the report available to the public.

The President’s Office publicly took action in April 2020 in connection with the requirements of the Provisional Measures Order, issuing directives encouraging anti-hate speech activities, and ordering compliance with the Genocide Convention and the preservation of evidence of atrocities in Rakhine. Despite the steps taken to date, Myanmar continues to be criticised for not doing enough to prevent acts of genocide. Sam Zarifi, secretary-general of the International Commission of Jurists, noted that comprehensive legal and constitutional reforms are required.

Myanmar's second investment policy review

The permanent secretary for the Ministry of Investment and Foreign Economic Relations (MIFER), U Aung Naing Oo, has confirmed that Myanmar’s second Investment Policy Review (the “**IPR**”), undertaken in conjunction with the Organization for Economic Cooperation and Development (OECD), has been finalised and will be published within the next 3 months.

Both the first and second IPR have provided a comprehensive overview of global and regional investment trends, policies and practices affecting Myanmar’s investment climate. The second IPR assessed Myanmar on 7 fields including investment policy, boosting and ensuring smooth investment, boosting responsible business operation, infrastructure connectivity, green investment growth framework and implementation for better economic zones and fostering secure and well-defined land rights.

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