

IFRC COVID-19 Emergency Decree Pro Bono Research: Myanmar**White & Case Team:** Charbel Abou Charaf, Grétel Martínez

- *Questions to be answered by close of business Friday, 27 March are listed below.*
- *Please be sure to include English translations of relevant text where possible.*

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

As of March 27, 2020, there does not seem to be a meaningful regime for coordination between state and non-state actors (particularly humanitarian actors), and we did not find any sources stating or confirming that a national emergency response mechanism (or something akin to the same in purpose or effect) which *combines* state/non-state support is in place in Myanmar vis-à-vis COVID-19. The government of Myanmar has, however, begun to react to the COVID-19 crisis at the state-level, but we did not find significant evidence that it is closely coordinating efforts with non-state actors.

An article in the Asia New Monitor reported that a volunteer group, Ma Ywe, has been building makeshift hand-washing stations in Yangon, Myanmar's largest city, to prevent the spread of the coronavirus in the absence of a systematic response by the government¹, which, as of a few days ago, still maintained the country had no confirmed cases of the viral disease (it has since confirmed a handful of cases).² The humanitarian group Ma Ywe is installing the stations near crowded places in the commercial capital of 5.3 million people to give the public easy access to the basic precautionary measure.³ An officer of Ma Ywe stated that the government has no funds to execute preventive measures, which made him realize that they should start organizing on a *self-help basis*, and expressed that it would be a good idea for more nonprofit groups to join in the campaign.⁴

¹ See *Asia: In Myanmar's Yangon, Volunteers Step in Where Government Response is Minimal*, Asia News Monitor, March 20, 2020. This link and all other links referred to in this memo were last accessed on March 27, 2020.

² See, e.g., *Myanmar claimed to be coronavirus-free. Now cases are showing up*, Los Angeles Times, March 26, 2020, <https://www.latimes.com/world-nation/story/2020-03-26/myanmar-claimed-coronavirus-free-cases-showing-up>.

³ See *Asia: In Myanmar's Yangon, Volunteers Step in Where Government Response is Minimal*, Asia News Monitor, March 20, 2020.

⁴ *Id.*

In another article in The Straits Times, Dr Khin Khin Gyi, the deputy director of the unit in charge of contagious diseases, said the Ministry of Health and Sports is working with civil society and companies to disseminate information quickly, but the breadth or details of that cooperation—and, in particular, which sector of civil society is involved—remains unclear.⁵

Unicef, for example, stated it had taken part in a one-day state health department Covid-19 workshop in Kachin state "during which the government acknowledged challenges in screening and response capacity in non-government-controlled areas which share a porous border with China".⁶

Donations of medical equipment were made by Korean NGO Good Neighbours,⁷ as well as donations of PPE and medical supplies from a national non-profit called Excellent Fortune Foundation.⁸

The foregoing seems to indicate that there has at least been some contact and interface between governmental entities, on the one hand, and non-state, international humanitarian actors, on the other, in response to the COVID-19 pandemic.

Note also that the U.S. government has suspended all Peace Corps operations globally and Peace Corps volunteers in Myanmar are returning to the United States.⁹

Further, as of March 23, 2020, ethnic armed groups were asking for help from aid agencies/non-governmental organizations in fighting COVID-19, saying that all they can afford to do is provide health education.¹⁰

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

We cannot ascertain whether any of the emergency decrees pursuant to which the host of measures have been taken *officially* make mention of the RC or humanitarian actors, or if conversely (as it seems from the sources we have reviewed), interface between the government of Myanmar and said actors has been occurring *de facto* and/or unofficially. We have not been able to locate any of the original texts of emergency decrees.

⁵ See *Coronavirus: With 'zero' infections, Laos and Myanmar gird for battle*, The Straits Times, March 2020, 2020, <https://www.straitstimes.com/asia/se-asia/coronavirus-with-zero-infections-laos-and-myanmar-gird-for-battle>

⁶ *Id.*

⁷ See *South Korea donates protective equipment and testing kits to Myanmar*, the Myanmar Times, updated March 24, 2020, <https://www.mmmtimes.com/news/south-korea-donates-protective-equipment-and-testing-kits-myanmar.html>

⁸ See *Yangon Region receives protective equipment donation for COVID-19*, The Ministry of Information, March 24, 2020, <https://www.moi.gov.mm/moi:eng/?q=news/24/03/2020/id-21229>.

⁹ See *U.S. Embassy in Burma, COVID-19 Information*, March 27, 2020, <https://mm.usembassy.gov/covid-19-information/>.

¹⁰ See *Ethnic armed groups ask for help fighting COVID-19 in Myanmar*, the Myanmar Times, March 23, 2020, <https://www.mmmtimes.com/news/ethnic-armed-groups-ask-help-fighting-covid-19.html>.

In the official sources we have skimmed (largely from the website of the Ministry of Information, which seems to be leading the informational efforts for the general public), there is no official mention of any coordinated campaign with RC or other humanitarian actors.

In any case, please see our response to question #1 above for a summary of certain interactions between humanitarian actors and state actors that we have been able to confirm via public websites. In a number of other articles, local NGOs seem to have undertaken to help people on their own (including with respect to displaced peoples as a result of ethnic strife and armed conflict in certain regions of the country).¹¹

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

On March 19, 2020, the Myanmar government announced the temporary suspension of entry and exit of foreign nationals through land borders. U.S. citizens now cannot enter/exit Myanmar from/to any of Myanmar's land borders with Thailand, Laos, China, India, and Bangladesh;¹²

On March 24, 2020, the Myanmar government updated implemented enhanced screening and quarantine measures to reduce the spread of COVID-19, to include the following, beginning at 12:01 AM on March 25, 2020:

- a. All incoming Myanmar nationals are required to present a medical certificate showing that they have no symptoms of acute respiratory illness (fever and cough or shortness of breath) before boarding any airline destined for Myanmar. They will be required to undergo quarantine in a Myanmar government facility for 14 days after arriving in Myanmar; and
- b. All foreign nationals, including U.S. citizens and all diplomats and U.N. officials, are required to present laboratory evidence of absence of COVID-19 infection issued no more than 72 hours prior to the date of travel before boarding any airline destined to Myanmar. They will be required to undergo quarantine in a Myanmar government facility for 14 days after arriving in Myanmar.¹³

We have not found any applicable exceptions in the public sources we have reviewed to RC/humanitarian relief teams entering the country.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

¹¹ See, e.g., *Asia: Lack of COVID-19 Info Under Myanmar's Internet Ban Could Doom Rakhine Refugees: NGO*, Asia News Monitor, March 23, 2020.

¹² See *U.S. Embassy in Burma, COVID-19 Information*, March 27, 2020, <https://mm.usembassy.gov/covid-19-information/>.

¹³ *Id.*

We have not found any such exceptions or restrictions in the public sources we have reviewed

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

We have not found any specific information on this point in the public sources we have reviewed, but NGOs and private companies have been donating medical equipment to Myanmar. The Korean embassy held a handover ceremony for 5000 new coronavirus testing kits with officials from the Ministry of Health and Sports.¹⁴ The testing kits are donations of Korean NGO Good Neighbours.¹⁵ Other items donated included 1000 protective coveralls and 50,000 pairs of medical gloves from the Korea Foundation for International Healthcare and 10,000 sets of surgical clothes and hats from the KM Health Care.¹⁶

Other nations/governments, including China, have also donated supplies to Myanmar, who is seemingly largely dependent on donations at this time in order to combat COVID-19.¹⁷

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

We have not found any information on this point in the public sources we have reviewed.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The government of Myanmar (including regional governments) has taken the main following measures in response to the COVID-19 outbreak (in no particular chronological order):

- Ordered closure of schools¹⁸, beaches¹⁹, and mass gatherings²⁰:

¹⁴ See *South Korean donates protective equipment and testing kits to Myanmar*, the Myanmar Times, updated March 24, 2020, <https://www.mmmtimes.com/news/south-korea-donates-protective-equipment-and-testing-kits-myanmar.html>; see also *Myanmar moves to increase COVID-19 test kit stockpile amid coronavirus battle*, CAN, March 26, 2020, <https://www.channelnewsasia.com/news/asia/myanmar-moves-to-increase-covid-19-test-kit-stockpile-amid-12579532>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See *China donates medical supplies to Myanmar*, The Star, March 27, 2020, <https://www.thestar.com.my/news/regional/2020/03/27/china-donates-medical-supplies-to-myanmar>.

¹⁸ See *Coronavirus: With 'zero' infections, Laos and Myanmar gird for battle*, The Straits Times, March 20, 2020, <https://www.straitstimes.com/asia/se-asia/coronavirus-with-zero-infections-laos-and-myanmar-gird-for-battle>

¹⁹ See *Myanmar's Ayeyarwady beaches closed to visitors*, the Myanmar Times, March 24, 2020, <https://www.mmmtimes.com/news/myanmars-ayeyarwady-beaches-closed-visitors.html>.

²⁰ See *Myanmar reports first cases of coronavirus*, Reuters, March 24, 2020, <https://www.reuters.com/article/us-health-coronavirus-myanmar/myanmar-reports-first-cases-of-coronavirus-idUSKBN21B0HB>.

- Instituted quarantines in villages of affected COVID-19 patients;²¹
- Myanmar military is preparing military hospitals for COVID-19 outbreak;²²
- Suspended the Thingyan festival in April, the country's biggest annual holiday;²³
- Karaoke bars, restaurants and other night-time entertainment venues were closed in Mandalay as the country's second largest city joined the effort to prevent an outbreak of COVID-19 disease;²⁴
- Yangon, the country's economic capital and most populous city, shut down all its night-time entertainment areas;²⁵
- The Myanmar government has suspended the e-visa and visa-on-arrival programs;²⁶
- Some U.S. citizens have reported being asked to submit to a COVID-19-focused health examination as part of their Myanmar visa renewal process;²⁷
- The Myanmar government is conducting temperature and travel history screening at all ports of entry;²⁸
- The Myanmar government has established isolation units at most public hospitals and some designated private hotels across Myanmar;²⁹
- The Office of the President has ordered the country's civil servants to work on a rotational basis, with only half of them in the office at one time.³⁰

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

On Friday, March 27, 2020, the Myanmar Times reported that the government of Myanmar signed a contract with Cobes Industries Myanmar Co Ltd to purchase 100,000 pieces of personal protective equipment (PPE) to be used by healthcare workers in the fight to contain the COVID-19 virus (as confirmed by official sources).³¹

U Hein Htet, secretary of the Industrial Supervisory Committee of Bago Region, said the Company was selling the 100,000 pieces of PPE to the government at only the cost of their labor and are bearing the cost of the raw materials to make the equipment.³²

²¹ See, e.g., *Myanmar govt locks down village of COVID-19 patient from Chin*, the Myanmar Times, March 24, 2020, <https://www.mmmtimes.com/news/govt-locks-down-village-covid-19-patient-chin.html>.

²² See *Myanmar military readies 17 hospitals in COVID-19 fight*, the Myanmar Times, March 23, 2020, <https://www.mmmtimes.com/news/myanmar-military-readies-17-hospitals-covid-19-fight.html>.

²³ See *United Kingdom/ Myanmar (Burma): UK urges British nationals to leave Myanmar amid COVID-19 pandemic*, Asia New Monitor, March 19, 2020.

²⁴ See *Mandalay shuts night spots in bid to avoid virus*, the Myanmar Times, March 20, 2020, <https://www.mmmtimes.com/news/mandalay-shuts-night-spots-bid-avoid-virus.html>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ See *Half of Myanmar govt employees told to stay home*, the Myanmar Times, March 26, 2020, at <https://www.mmmtimes.com/news/half-myanmar-govt-employees-told-stay-home.html>.

³¹ See *Myanmar govt buys protective equipment from local factory*, the Myanmar Times, March 27, 2020, <https://www.mmmtimes.com/news/govt-buys-protective-equipment-local-factory.html>

³² *Id.*

Cobes has the only factory that makes PPE in Myanmar, and its products are exported to EU countries.³³

The secretary also said that Cobes was stopping the exports of its goods for now and is making PPE for the emergency situation in Myanmar, but it is not clear if such stoppage was the result of an official ban on PPE by the Myanmar government.³⁴

³³ *Id.*

³⁴ *Id.*