Myanmar: Displacement and the Peace Process

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Sponsored by the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall, University of Oxford
Myanmar has taken another important step toward democratization, following the 2015 election victory of the National League for Democracy (NLD), led by Daw Aung San Suu Kyi. But decades of military repression, ethnic conflicts, political exclusion, abuse of natural resources and the environment, neglect of health, education, and infrastructure, and mismanagement of the economy, have left serious challenges for this new government.

On Monday 15 February, 2016, the Programme on Modern Burmese Studies at St Antony’s College and the International Gender Studies Centre at Lady Margaret Hall convened a workshop entitled “Towards Democracy and Reconciliation: Challenges Facing Myanmar’s Incoming Government.” Co-organized by Dr Daw Khin Mar Mar Kyi and Dr Matthew J Walton, the workshop brought together over a dozen UK experts on Myanmar, drawn from academic, advocacy, and activist communities.

Presenters focused on the challenges facing the new NLD-led government, identifying key stakeholders, persistent and emerging impediments, and potential policy responses. Subjects considered included military legacies, governance concerns, social issues, land and resource management, and conflict and displacement.

With the success of the event, the co-organizers saw an opportunity to effectively channel the insights of the participants into policy-making conversations in Myanmar’s government, civil society, and other political institutions. They also sought to contribute to the developing public discourse on political reform in the country. Participants were asked to transform their presentations into short policy briefs that could be of use to ministries, parliament, and other decision-making bodies in Myanmar. The collected briefs were edited by the co-organizers and translated into Burmese.

Please note that the views and positions presented in these briefs represent the authors and are not necessarily the views of the Programme on Modern Burmese Studies, St Antony’s College, the International Gender Studies Centre, Lady Margaret Hall, or the University of Oxford. In some cases, the views of different authors may diverge or conflict. We believe that including multiple different perspectives in a collection of policy briefs is valuable in fostering public debate in Myanmar.

We intend for this to become a regular event and policy brief series, which can draw on existing expertise among those studying Myanmar, including increasing numbers of scholars and advocates from the country. These and future briefs will be available electronically at the Programme on Modern Burmese Studies website (www.sant.ox.ac.uk/research-centres/programme-modern-burmese-studies) and the Oxford Feminist E-Press (theoxfordfeministepress.wordpress.com/). Please feel free to contact us with any questions or feedback.

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NLD: The National League for Democracy (NLD) has come to the fore as an important political force in Myanmar. Following the 2015 general election, the party has played a key role in shaping the country's political landscape.

The NLD's rise to prominence has been marked by a series of challenges. The party has had to navigate a complex political environment, characterized by a deeply divided society and a history of conflict.

This policy brief examines the NLD's strategies and challenges as it seeks to take on the role of执政党. It provides an analysis of the party's policies and their implications for Myanmar's political and economic development.

The brief is based on a series of interviews with NLD officials and other key stakeholders. It draws on a range of primary and secondary sources, including government reports, academic research, and media coverage.

The NLD's rise to power has been met with both hope and skepticism. Some see it as a positive development, while others fear it could lead to instability.

This policy brief aims to provide a balanced assessment of the NLD's potential impact on Myanmar's future. It is intended for policymakers, analysts, and others interested in understanding the NLD's role in the country's political evolution.

Please visit www.sant.ox.ac.uk/research-centres/programme-modern-burmese-studies for more information on the NLD and its role in Myanmar.

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For decades, Myanmar has been one of the world’s largest generators of forced migration. In 2016, there are still more than 700,000 internally displaced people (IDPs) in Myanmar, several hundred thousand registered refugees in Thailand, Malaysia, India, and Bangladesh, and millions of undocumented migrant workers throughout Asia. This is a complicated situation of displacement that spans multiple generations, multiple countries and multiple drivers of migration. Those who are currently displaced may play an important role in Myanmar’s future development, if they are able to return and contribute their skills and resources. However, there are many issues to consider before mass return will be possible. This brief identifies four priority areas: (1) understanding the needs of Myanmar’s displaced; (2) the peace process; (3) return and reintegration; (4) property restitution and land claims.

Understanding the needs of Myanmar’s displaced

Those who have been displaced occupy a variety of legal categories, including ‘refugees’, ‘internally displaced persons’ and ‘undocumented migrant workers’. These categories fall within different legal regimes but the people affected may have similar needs. For example, both refugees and undocumented migrant workers left Myanmar illegally at a time when it was very dangerous to do so. They are now watching Myanmar’s new government anxiously to determine whether the political changes will endure. To build confidence, the Government should offer formal assurances that refugees and others outside Myanmar can return safely, that they will not be punished or disadvantaged for having left and that their human rights will be protected in the future. The Government must also guarantee full citizenship documentation for those who are returning, many of whom destroyed their identity documentation before they left Myanmar.

Many refugees in Thailand, India and Malaysia are concerned about the practicalities of return. Those who fled their home and land with nothing now have nothing to return to: no job, no house or land, no means of survival. These practical and material issues will have to be addressed. Education also presents significant challenges. Many children born to refugee and migrant worker parents outside Myanmar have not learned Burmese. If they have received education it has been in their ethnic language or the language of the education system in their host country (for example, Thai, Hindi, Mizo or English). Now, their parents are reluctant to return to Myanmar as they fear their children will not be able to attend school. Provision must be made to recognise educational qualifications gained in other countries and to support those who are not literate in Burmese. This might include education in ethnic languages and/or intensive Burmese language support at all levels.

Displacement and the Peace Process

Resolving conflict with ethnic groups is perhaps the single most important issue for Myanmar’s political future. Dealing with displacement is closely related to the peace process. The majority of refugees and internally displaced populations are from the non-Burman ethnic groups and in many respects their needs for the future reflect the general needs of ethnic nationalities. This includes the urgent need to reach agreement on a political framework for the future. It will be very difficult for members of the ethnic nationalities (including those living outside Myanmar) to trust the new Government while conflict continues in ethnic states. Continuing peace talks and the proposed ‘Second Panglong’ conference indicate a continued commitment to peace from the new Government and ethnic armed groups. To ensure lasting peace in Myanmar, the Government must engage with both signatory and non-signatory ethnic armed groups and progress beyond the provisional ceasefire agreement to reach a formal peace settlement. The Government must also prove that it has renounced the discriminatory views and actions of the past and address the fundamental causes of conflict, including political autonomy for ethnic areas, demilitarisation, investment in ethnic areas and the management of natural resources.

A formal peace agreement is only one step in a long process of peacebuilding but it offers an important ‘transitional moment’ to assert key rights and principles. Many past peace agreements have included extensive provisions addressing displacement, including in Cambodia (1991), Guatemala (1994), Bosnia-Herzegovina (1994),...
Guarantees of safety and security for returning refugees; creation of a provision for practical and material support to returnees; Guarantees that identity documentation and citizenship status will be restored; Provision for practical and material support to returnees; Provision for restitution of property to the displaced; Institutions for effective monitoring of refugee return; Institutions for effective monitoring of the peace agreement as a whole.

A peace agreement also presents an opportunity to assert the new government’s commitment to international law and human rights standards. Relevant international standards for displacement include the Guiding Principles on Internal Displacement and the Pinheiro Principles on Housing, Land and Property Restitution for Refugees and Displaced Persons.

Return and Reintegration

With an NLD-led Government in office, discussion of refugees and IDPs is naturally turning to the question of return. Refugee return can happen in two ways. The first is ‘spontaneous return’, which is an individual decision carried out without external assistance. The second approach is organised repatriation, where large groups of refugees and IDPs return in an organised process with external support. Organised repatriation is usually a tripartite process, involving the United Nations High Commissioner for Refugees (UNHCR), the government which has been hosting refugees (Thailand, India or Malaysia), and the government of the country of origin (Myanmar).

The UNHCR recognises three fundamental principles for organised repatriation. First, return must be voluntary. This is the essence of the principle of non-refoulement: if there is a continuing risk to life or freedom, refugees should not be compelled to return. This is recognised as a provision of customary international law binding on all countries. In effect, while refugees and others have a right to return to their country of origin, they also have a right not to return if the conditions are not appropriate. “Voluntary” return means that there should be an individual choice based on accurate information about conditions in their country of origin. Return should be voluntary at the point of departure and at the point of arrival (i.e. returnees should not be required to stay in allocated resettlement sites but must be able to choose their area of residence).

In addition to the fundamental requirement of voluntariness, UNHCR principles require organised repatriation to be conducted “in safety” and “with dignity”. It is important to consider what these standards mean for returnees to Myanmar and how they can be ensured. “Safety” includes consideration of practical safety concerns such as landmine removal in addition to political security and freedom from discrimination and persecution of any kind. The requirement of safety needs a secure and lasting peace agreement. Return “with dignity” requires basic human rights protection. It also requires a means of survival, so that the people returning will be able to make a living and take care of themselves and their family.

Organised repatriation programmes generally provide basic material assistance to returnees, including transportation, short-term food and shelter assistance and other assistance to help returnees find work. It may also be important to extend assistance to the communities which refugees and migrant workers are returning to. Conflicts between returnees and local communities often occur as a result of competition for resources such as jobs and housing. If hundreds of thousands or millions of people return to Myanmar and there are not enough jobs, or if there are disputes over land, or if there is no political security, this may create new problems of crime and political instability. Providing assistance to entire communities can help reduce conflict by improving living conditions for all and avoiding the perception that those who left Myanmar are being unfairly privileged.

Property restitution and land claims

The first priority for returnees will be a place to live. Some people sold their houses when they left, others were forced to abandon their house and land, and others’ houses were destroyed. Few refugees and IDPs have formal documentation to prove ownership of housing or property. For the Myanmar Government, there are three core housing, land and property issues to address. The first issue is resolving property claims, by creating a process or institution to resolve land claims for returnees and to determine ownership of housing, land and property. Models for this include the Commission on Real Property Claims of Refugees and Displaced Persons created in Bosnia and Herzegovina; the Committees for Restitution and Compensation of Property created in Albania; the Commission on the Restitution of Land...
Claims created in South Africa; and the Sub-Commission on Land created in Burundi.

The second issue is **restitution**: to establish a process or institution to provide restitution for housing, land and property that was lost. International law recognises that displaced persons have a right to restitution for housing, land and property which they lost as a result of displacement (see in particular the Pinheiro Principles, mentioned above). Restitution programmes for refugees and IDPs have been established in many countries, including Bosnia and Herzegovina (under the Dayton Peace Agreement), Colombia (through the Victims and Land Restitution Law 2011) and Turkey (under the Compensation Law 2004).

The third issue is **land governance**: to reform land law to prevent future displacement. Legal reforms are essential in Myanmar to prevent ‘land grabs’, protect community land tenure and prevent further displacement. Both the Myanmar Government and several ethnic nationality organisations have recently developed land reform policies. Article 8(h) of the seventh draft of the Government’s National Land Use Policy includes as a basic principle: “to develop and implement fair procedures relating to land acquisition, compensation, relocation, rehabilitation, restitution and reclaiming land tenure and housing rights of internal displaced persons and returning refugees caused by civil war, land confiscation, natural disasters and other causes.” This is an important step in the right direction, and will hopefully be implemented in the eventual new land law. However, as well as changing land laws it will also be essential to change **legal culture** in Myanmar to ensure that the laws are respected and applied without discrimination or exploitation. Without this, Myanmar’s citizens – including those who have been displaced – will have little faith in any real change.

**Cross-cutting themes**

**Inclusion and participation**: Any process for displaced people must be inclusive and avoid discrimination by gender, ethnicity or any other ground. It will also be necessary to consult with displaced populations to determine their needs. This brief has identified similarities in the needs of refugees, IDPs and migrant workers, but there are also important differences between these populations. To develop appropriate programmes for the future, the Myanmar Government must consult with the people themselves. An ethos of inclusion should also extend to engagement. Community-based organisations and faith-based organisations have been displaced people’s primary source of assistance for many years. These organisations could play a vital role in developing appropriate programmes for displaced populations in the future; indeed, without the participation of these organisations, any initiatives may be doomed to fail.

**Ensuring sustainable funding**: A comprehensive process of return and restitution for displaced populations will require considerable financial support. The United Nations High Commissioner for Refugees, as the agency with a global mandate for refugee protection, is operating under intense global budget pressures and previous appeals for funding for Myanmar have failed to produce sufficient voluntary donations from states. All stakeholders must consider how to raise resources. Myanmar has vast natural resources and a burgeoning extractive industries sector. As most natural resources are located in the ethnic territories, one avenue to explore may be corporate contributions including (for example) encouraging corporate social responsibility that invests in the future of ethnic areas by supporting returnees.

**Integrating displacement into wider political, economic and legal reforms**: Displacement is not an isolated issue that can be separated from other aspects of political, economic and legal reform. Indeed, the existence and occurrence of displacement reflects other problems, including political violence, ethnic discrimination, land distribution and control of natural resources. Refugee and displacement issues should be understood as related to these other areas, and to long-term development goals such as democracy and the rule of law; health; education; gender equality and human rights protections. Recognising the relationship between resolving displacement and these areas can help to address root causes while also preventing future displacement.

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သေဘာတူညီခွဲရရှိရန် အေထာက်ကမိုရှိခြင်းလည်း ပြောပြပြောဆိုသည်။ တိုင်းရင်းသားပညာနယ်မြေများတွင် ပဋိပက္ကလက္ဖစ္ေပးနေသည်။ တိုင်းရင်းသားများဖြင့် ကာကွယ်ရှိခြင်းများတွင် အိုးအိမ်မရှိရှိသော အိုးအိမ်များကို အီးအားဖြင့် တိုင်းရင်းသားလူများ၏ အိုးအိမ်မရှိရှိသော အိုးအိမ်များကို အီးအားဖြင့် တိုင်းရင်းသားလူများ၏ အိုးအိမ်များကို အပျော်စားေရးလုပ္ငန္းစဥ္အသိအမှတ်များယူသည့် ေမျာ်ခြင်းကို စိုးရိမ်ကသောဖြင့် ရန်ရန်လုပ္ငန္းေနပါသည်။ အိုးအိမ်များတွင် ရရှိခဲ့သော ပညာအရည်အချင်များကို (ဥပမာက ထိုင်း၊ ဟင်ဒီ၊ မီဇို သို့မဟုတ် အဂလိပ်) ဖြင့် သင်ယူခဲ့ကြပါသည်။ ယခုတိုင်းရင်းသားများတွင် မိဘများကို ကေလးငယ်မည်ကို စိုးရိမ်ကသောဖြင့် ရန်ရန်လုပ္ငန္းေနပါသည်။ အိုးအိမ်များတွင် ရရှိခဲ့သော ပညာအရည်အချင်များကို ကိုင်တွယ်ေဖရောင်ရမည်ဖြစ်ပါသည်။ ပညာေဴရးတွင်များ မားမော်သော အခက်အခဲများရရှိပါသည်။ မိမိတို့အိုးအိမ် ေမျာ်ကျော်မယ်တဲ့များကို ထောက်ပံ့သူများမှ ယခုတွင် ေနာက်ပေါ်ရှိရန် အိုးအိမ်ကို ပြောပြပြောဆိုသည်။ ိုင်ငံသားများကို ကေလးငယ်မည်ကို စိုးရိမ်ကသောဖြင့် ရန်ရန်လုပ္ငန္းေနပါသည်။ အိုးအိမ်များတွင် ရရှိခဲ့သော ပညာအရည်အချင်များကို ကိုင်တွယ်ေဖရောင်ရမည်ဖြစ်ပါသည်။ ပညာေဴရးတွင်များ မားမော်သော အခက်အခဲများရရှိပါသည်။ မိမိတို့အိုးအိမ် ေမျာ်ကျော်မယ်တဲ့များကို ထောက်ပံ့သူများမှ ယခုတွင် ေနာက်ပေါ်ရှိရန် အိုးအိမ်ကို ပြောပြပြောဆိုသည်။
အိုးအိမ္မႀေရၿႚေဴပာင္းခံရမိႂးအတွက် အိုးအိမ္မႀေရၿႚေဴပာင္းခံရမိႂးအတွက် ေဘးကင္းလံုဴခံႂေရးအာမခံခဵက္မဵား၊ ပံ့ပိုးမႀာမဵားႎႀင့္ ပစၤည္းဥစၤာဆိုင္ရာ ပံ့ပိုးမႀာမဵားအေထာက္အပံ့၊ မိမိတိုႚေနလိုသည့္အရပ္တၾင္ ေရၾးခဵယ္ေနထိုင္ႎိုင္ရပၝမည္။ ဴမန္မာႎိုင္ငံသိုႚဴပန္သူမဵားအတၾက္ ၄င္းအဆင့္အတန္းမဵားမႀာ အဓိပၯၝယ္သက္ေရာက္ပံုႎႀင့္ ၄င္း အဆင့္အတန္းမဵားေနရာခဵထားေရာက္မဵားတၾင္ ေနရမည္ဟု သတ္မႀတ္ထားဴခင္းမရႀိဘဲ မိမိတိုႚေနလိုသည့္အရပ္တၾင္ ေရၾးခဵယ္ေနထိုင္ႎိုင္ရပၝမည္။

ထၾက္ရပ္မႀသည္ ေရာက္သည့္အရပ္အထိ မိမိဆႎၬအေလဵာက္ ဴဖစ္ရပၝမည္ (ဆိုလိုသည္မႀာ ေနရပ္ဴပန္သူမဵားကုိ လဵာေပးထားသည့္ ဴပန္လည္အေဴခအေနမဵားႎႀင့္ ပတ္သက္သည့္ တိကဵေသာအခဵက္အလက္မဵားအေပၞ အေဴခခံ၍ ပုဂၢိႂလ္တစ္ဦးခဵင္းစီ၏ ေရၾးခဵယ္ခဵက္ ရႀိရပၝမည္။ ေနရပ္ဴပန္ဴခင္းမႀာမသင့္ေလဵာ္ေသာ အေဴခအေနတၾင္ မဴပန္ဘဲေနပိုင္ခၾင့္ ရႀိပၝသည္။ ဴပန္ဴခင္းဆိုသည္မႀာ မူရင္းႎိုင္ငံ သိုႚမဟုတ္ မူရင္းေဒသရႀိအႎႀစ္သာရပင္ဴဖစ္ပၝသည္။

ဴမန္မာ)တိုႚ ပၝဝင္ပၝသည္။

ေနရပ္ဴပန္ဴခင္းအေဳကာင္းသိုႚ သဘာဝကဵစၾာဦးတည္ေနပၝသည္။ ဒုကၡသည္မဵားေနရပ္ဴပန္ဴခင္းမႀာ နည္းႎႀစ္နည္းဴဖင့္ ေပၞေပၝက္ႎိုင္ပၝသည္။

အိုးအိမ္မႀေရၿႚေဴပာင္းခံရမိႂးစလံုးႎႀင့္ပူးေပၝင္းေဆာင္ရၾက္ဴပီး ယာယီအပစ္အခတ္ရပ္စဲေရး ဴမန္မာႎိုင္ငံတၾင္ ဴငိမ္းခဵမ္းေရးတာရႀည္ခံေရးအတၾက္ အစိုးရမႀသေဘာတူလက္မႀတ္ေရးထိုးထားသည့္ တိုင္းရင္းသားလက္နက္ကိုင္အုပ္စုမဵား၊ ဒုကၡသည္ဆိုင္ရာ ကုလသမဂၢမဟာမင္းဳကီးရံုး အန္အယ္လ္ဒီဦးေဆာင္သည့္အစိုးရမႀအာဏာရခဵိန္တၾင္ ဒုကၡသည္မဵား၊ ဴပည္တၾင္းေရၿႚေဴပာင္းခံရသူမဵားႎႀင့္ ပတ္သက္သည့္ေဆၾးေႎၾးပၾဲမႀာ ဴငိမ္းခဵမ္းေရးသေဘာတူညီခဵက္ အမဵားအဴပားတၾင္ အေထာက္အပံ့မဵားစၾာ ထည့္သၾင္းထားပၝသည္။
ငှားငံုးယုံကြည်ရာ နေရာဝယ်နေရာမြင်ကွင်းအား ကွဲပြားစိတ်ဆိုင်ရာ အားနည်းပြားနေရာမြင်ကွင်းအား အစိုးရအဖွဲ့ဝင်များ အဖွဲ့ဝင်များ ပေါင်းစည်းမှုများအတွက် ကိုယ်စားလှယ်များအား ဆောင်ရွက်နေရာမြင်ကွင်းအား အားနည်းပေးနေသည်။

ဥပဒေအရာအတွက် ပြန်လည်ပေါ်စွာ ပေါ်ထွန်းခဲ့သည်။ ထို့ပြင် ဥပဒေအရာအတွက် အားနည်းပေးပြီး မိန့်ခွန်းတွေ့ရှိခဲ့ရာ အချက်များကို ကျင်းပတ်ရေးမှုအဖွဲ့ဝင်များ ပေါင်းစည်းမှုများ အားနည်းပေးနေသည်။

ပြိုင်ပြင်ဆောင်ရွက်ခြင်းအတွက် အားနည်းပေးနေသည်။ ပြိုင်ပြင်ဆောင်ရွက်ခြင်းအတွက် အားနည်းပေးနေသည်။

မိန့်ခွန်းတွေ့ရှိခဲ့ရာ အချက်များကို ကျင်းပတ်ရေးမှုအဖွဲ့ဝင်များ ပေါင်းစည်းမှုများ အားနည်းပေးနေသည်။

ပြိုင်ပြင်ဆောင်ရွက်ခြင်းအတွက် အားနည်းပေးနေသည်။

ပြိုင်ပြင်ဆောင်ရွက်ခြင်းအတွက် အားနည်းပေးနေသည်။
ဗိုလ်ချုပ်နှင့် အသင်းဝင်များသည် လူသားများအားလုံး အတွက် အခြေခံချက်များကုံးတင့်ရာတွင် လွှမ်းမိုးသော သက်ရှိများကို ဖော်ထုတ်ပေးနိုင်ငံသူ အလွန်ပိုင်းနှုန်းခြင်း မရှိပေ။ အဲဒ်အကောင်အထည်း များကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။

ဗိုလ်ချုပ်အားလုံး များကို အပြောင်းအလဲများတွင် ပျော်ရွှေ့ပြီး စီမံခန့်ခွဲခြင်း မဖော်ပြထားပေ။ ဗိုလ်ချုပ်များကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။

ပိုမိုကောင်းမွန်သော အားလုံးစီမံခန့်ခွဲမှုများ - ဗိုလ်ချုပ်လူသားများကို စီမံခန့်ခွဲခြင်းများကို အပြောင်းအလဲများတွင် ပျော်ရွှေ့ပြီး စီမံခန့်ခွဲခြင်းများတွင် ပြုပြင်ခြင်း မဖော်ပြထားပေ။ အကောင်အထည်းများကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။

ဗိုလ်ချုပ်များကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။

ပိုမိုကောင်းမွန်သော အားလုံးစီမံခန့်ခွဲမှုများ - ဗိုလ်ချုပ်လူသားများကို စီမံခန့်ခွဲခြင်းများကို အပြောင်းအလဲများတွင် ပျော်ရွှေ့ပြီး စီမံခန့်ခွဲခြင်းများတွင် ပြုပြင်ခြင်း မဖော်ပြထားပေ။ အကောင်အထည်းများကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။

ပိုမိုကောင်းမွန်သော အားလုံးစီမံခန့်ခွဲမှုများ - ဗိုလ်ချုပ်လူသားများကို စီမံခန့်ခွဲခြင်းများကို အပြောင်းအလဲများတွင် ပျော်ရွှေ့ပြီး စီမံခန့်ခွဲခြင်းများတွင် ပြုပြင်ခြင်း မဖော်ပြထားပေ။ အကောင်အထည်းများကို ပေးပြီး အိုးအိမ်များမှာ မရှိပေ။