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Myanmar Update Report

December 2012 REPORT

This report seeks to provide an overview of the developments in December 2012 that relate to the status of human rights in Myanmar. It also reviews the response of the international community to the Myanmar's current situation, in particular status of sanctions regime.

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I. International Community and Sanctions

A major “easing” or suspension of U.S. and international sanctions against Myanmar occurred in 2012. But this does not mean that such sanctions have been eliminated. See, e.g., reports of November, September.

Perhaps the most notable event in December in the thawing of international relations with Myanmar was a visit of Japan’s Deputy Prime Minister & Finance Minister, Taro Aso, to Myanmar for talks with President Thein Sein, coinciding with the announcement of a major Japanese aid package to Myanmar.¹

In the wake of the focused relaxation of sanctions and the passage of an IMF-precipitated foreign investment law (see below), additional foreign private financial institutions have begun moving into Myanmar. For example, ANZ, Australia’s fourth largest bank, was granted approval to open a representative office there.² Standard Chartered Bank—which has a specialized focus on developing markets—is likely to follow. Of course, various Asian banks—including Bank of Tokyo-Mitsubishi, Mizuho and Sumitomo Mitsui Banking Corporation—have substantially preceded ANZ and Standard Chartered in opening representative offices. The IMF sees Myanmar’s financial and other reforms as bearing immediate fruit, projecting a growth rate of 6.5%. See below.³

The U.S. Department of the Treasury has also been active in 2012 in enforcing past financial sanctions against Myanmar and penalizing various banks. For example, on December 11, 2012, the Treasury’s Office of Foreign Assets Control (“OFAC”) reached a settlement with HSBC Group. This settlement found that “HSBC Group affiliates . . . processed transactions involving Burma [and other proscribed countries] through the United States during the review period. . . . In addition . . . several [HSBC] managers appear to have been aware that the use of these message types would result in the omission of references to U.S.-sanctioned persons or locations that would otherwise cause payments to be stopped by financial institutions in the United States.”⁴ Similarly, OFAC reached a settlement agreement of \$132 million with Standard Chartered Bank to settle the bank’s potential liability for violating U.S. sanctions, including Burmese Sanctions Regulations, 31 C.F.R. part 537. See also *id.*, regarding http://www.treasury.gov/resource-center/sanctions/CivPen/Documents/06122012_ing_agreement.pdf (settlement with ING Bank regarding likely violations).⁵

In other international community developments, government air strikes in northern Myanmar have raised global concerns. For example, the People’s Republic of China, which has a border adjacent to the bombed area, has issued a statement, as has the United States. China’s Ministry of Foreign Affairs spokeswoman Hua Chunying said that three bombs landed on the Chinese side of the border during clashes between Myanmar government forces and the Kachin Independence Army on New Year’s Eve. There were no casualties, but China’s government has urged Myanmar to deal with the conflict through peaceful resolution. “The Chinese side has launched representations . . . with Myanmar, requiring them to take the effective and immediate measures to avoid the repetition of similar incidents,” Ms. Hua said at a media briefing in Beijing.⁶ At least one commentator has cited the bombings as evidence that the U.S. has moved

too quickly in easing sanctions. See Dan Murphy, “Backward Step for Reform in Myanmar?”, *Christian Science Monitor*, January 3, 2013 (“If all goes well, the Obama administration’s overture toward Myanmar will go down as a major foreign policy achievement, and more importantly signal a brighter future for Myanmar’s 48 million people. But there are challenges and pitfalls ahead, and with each concession the US and other major powers make before 2015, a potential carrot to offer for positive change is spent. . . . Holding some diplomatic and sanctions pressure in the back pocket may prove a wiser course than declaring a democracy victory in early 2013.”).

II. Economic Development

In the November 2012 report we focused on three ongoing issues in Myanmar: (i) the investment reform agenda; (ii) the land reform agenda; and (iii) land seizures. There are strong links between each of these areas. For instance, investment reform and the possibility of increased foreign investment have led to concerns that the land reform agenda is being engineered to benefit foreign investors. These fears have been exacerbated in part by the fact that land seizures have allegedly taken place in order to accommodate certain existing projects owned by foreign investors as well as by politically-connected businessmen. In this report we will focus on (i) developments in the legal framework of economic development; and (ii) foreign investment developments.

A. Developments in the Legal Framework of Economic Development

The Myanmar Planning Commission—headed by President Thein Sein—announced a 10-point basic framework for economic and social reforms on December 28.⁷ The plan covers the following areas: finance and taxation, monetary policy, the relaxation of regulations on trade and investment, undertakings for private sector development, health and education, agriculture and food sufficiency, the governing system and transparency, mobile communication services and internet systems, infrastructure development and governance reform.⁸ Unfortunately, details about the content of the framework reforms are not available at this time, although we will include further information in subsequent reports.

Myanmar’s government is also in the process of passing several laws which are complementary to the Foreign Investment Law (“FIL”), discussed in detail in the November 2012 report, that will provide an important framework for the country’s future economic development. For example, the Draft Telecommunications Bill covers approval of foreign investment in that sector; license categories, duration and fees; import and location of equipment; requirements relating to the use of land; approvals for tariffs; approvals for access and interconnection; sharing, cooperation and joint ventures; regulatory powers and protection of state interests; prohibitions against anti-competitive conduct; and penalties and dispute resolution.⁹ Although not finally reviewed by Parliament, the Telecommunications Bill would be consistent with the FIL in that it would require foreign investors to obtain government approval for investments through the Myanmar Investment Commission.

Additionally, the country is drafting new mining legislation aimed both at encouraging domestic and foreign investment in the mining sector as well as protecting the

environment.¹⁰ While Myanmar possesses substantial deposits of copper, gold, lead, rubies and jade, the country possesses few mines producing at high capacity.¹¹ The Mining Ministry aims to have the legislation passed next year.¹² Among other changes, the law would allow foreign firms to own up to 100% of mining projects, although subject to as-yet-unclear restrictions, and would allow 50-year leases for foreign investors.¹³ Restrictions on export of raw ore from Myanmar would continue under the current draft in an effort to develop processing industries domestically.¹⁴

In the banking sector, as mentioned below, several banks have opened representative offices in Myanmar. However, obtaining full banking branch licenses could take significantly longer as the country is still developing its banking law in conjunction with the IMF, Japanese banks, government agencies, and others.¹⁵ Observers expect that it will be several years before foreign banks can get full licenses, and even then they might be required to enter into joint ventures to engage in retail or wholesale banking operations.¹⁶

B. Foreign Investment Developments

The November 2012 report noted that the new FIL aims to permit additional foreign investment in Myanmar by loosening restrictions that limited the sectors in which foreign investors are permitted to invest, as well as restrictions on how investors can transfer successful investments. While these steps are encouraging, critics noted this month that the “new foreign investment law isn't perfect by any means, and gives a lot of discretion to the investment commission to rule on whether a proposed investment is valid or not, opening the way for possible corruption”¹⁷ Other persistent concerns include the lack of skilled workers, unreliable electricity,¹⁸ and poor infrastructure. Furthermore, the wealth generated by Myanmar's natural resources has drastically driven up prices for land, but it remains difficult to put this new wealth to use in investments other than property development.¹⁹

Nevertheless, an international conference to discuss support for economic development will take place in Naypyidaw starting January 19.²⁰ The World Bank has projected 6.3% GDP growth for fiscal year 2012-13, and the conference is set to explore ways to capitalize on, and expand, this growth.²¹ Global banks have already opened representative offices in Myanmar, including Australia's ANZ Bank and soon Standard Chartered, which have received preapproval, as well as several major Japanese banks.²² Global accounting firms are also opening in Myanmar, including KPMG and PricewaterhouseCoopers. Global accounting firms are considered trailblazers for globalization because they help conduct the due diligence required by foreign investors.²³

In terms of specific ongoing projects, the Japanese and Myanmar governments in December signed an agreement to begin development of the Thilawa Special Economic Zone, which includes the development of a deepwater port near Yangon in 2013.²⁴ The goal is to launch commercial operations there by 2015.²⁵ Another special economic zone in Dawei, near both the Indian Ocean and Thailand, has been stalled while seeking private-sector investors, but a delegation of Thai business and government leaders visited in mid-December.²⁶ The Thai and Burmese governments affirmed their “strong cooperation to assure other investors that the

project will move ahead as planned.”²⁷ The third special economic zone is in Kyauk Phyu and is being developed primarily by Chinese and Korean investors.²⁸

The Myanmar government has also developed plans and begun site surveys to restore the Burma-Thailand railway and create a highway link along the same route, which was previously not possible due to the ethnic conflict in eastern Myanmar.²⁹ This railway was originally built by the Japanese military during World War II to transport supplies. India has also shown interest in redeveloping land links through Northern Myanmar to Yunnan Province in China as well as links to Thailand through Myanmar.³⁰ Brunei has begun discussions regarding working with Myanmar to develop offshore energy concessions.³¹

The government also began work in December, in collaboration with a German institute, to develop a sustainable tourism policy focusing on transportation and other infrastructure.³² Estimates suggest that Myanmar currently has approximately half of the hotel rooms it will need by 2015 to accommodate the expected influx of tourists to the country.³³ The law on land and property development is currently being finalized to reflect the changes in the FIL and will provide an additional framework for hotel investments.³⁴ Myanmar is also preparing its first census in over thirty years which will provide government and businesses with better information to plan their investments and operations.³⁵

Although local businesses still face restrictions on access to foreign exchange, which limits their ability to obtain goods and services from abroad, as well as to expand their international operations, the government is set to license private banks to engage in foreign exchange.³⁶ Similarly the government ended its policy of significantly overinflating the official value of the Myanmar currency, the *kyat*.³⁷ This last reform could facilitate both import and export business involving Myanmar.

III. Political Prisoners

U Gambira, the former monk who first came to prominence in 2007 as one of the leaders of the Saffron Revolution, was arrested in December and released on bail from Yangon’s notorious Insein Prison after 10 days of detention. U Gambira was released from prison earlier in 2012 as part of an amnesty for political prisoners. His release in January 2012 along with many other well-known dissidents was widely welcomed as sign of the nominally civilian government’s commitment to reforms.³⁸

According to the Thailand-based Assistance Association of Political Prisoners-Burma (“AAPP”), 26 people were arrested in November alone for taking part in peaceful protests, of whom three have received prison sentences. This is despite the fact that the government released 54 political prisoners ahead of President Obama’s historic visit to Yangon. Since late 2011, at least 93 peaceful demonstrators and other activists have faced charges for their activism, according to AAPP. This does not include the arrest and detention of dozens of local people in Kachin State who have been accused of having ties to the Kachin Independence Army, says Bo Kyi of AAPP.³⁹

After a seven-year hiatus, the International Committee of the Red Cross (“ICRC”) will once again be allowed to visit prisoners in Myanmar. Bart Vermeiren, deputy head of the ICRC in Myanmar, said the government had initiated contact with ICRC in November, when President Thein Sein’s Office for the first time publicly invited the aid group to resume prison visits. This hiatus has left the ICRC with little knowledge of the current condition of many prisoners, according to Vermeiren. “Stopping prison visits is not common ... [and] seven years is a long gap,” he said. “Hopefully we can start prison visits soon and we can address this big knowledge gap.” Vermeiren declined to comment on current conditions as the ICRC would have to first assess prisons through its visits before making an official appraisal.⁴⁰

When foreign ICRC workers visit, prisoners are registered and can air their grievances and personal problems in private. Prisoners can also request healthcare and improvements in their conditions. “It covers anything that they want to discuss with us. And we might address some of these issues with authorities in private,” Vermeiren said. ICRC visits focus on what it calls “security detainees,” which are defined as people arrested in war and violence-related situations. The organization refrains from using the term “political prisoner.”⁴¹

IV. Ethnic Violence

The most important obstacle Myanmar faces in its transition to an economically successful democracy is the risk of ethnic conflict, which has plagued the country since independence from the British in 1948. There are plausible fears that, without the military junta’s repressive measures, the nation could break up in a manner similar to Yugoslavia after the death of Marshal Tito. Since independence, the army has fought border wars with groups such as the Kachin, Shan and Karen, which have pressed for greater autonomy or independence. So far ceasefires have been signed with more than 20 armed groups bringing hopes that the government can negotiate a lasting peace.⁴²

Unfortunately, tensions easily resurface among groups that have agreed to ceasefires because, even where fighting has stopped, there have been no final political settlements. Aung Min, a retired major general now in charge of peace negotiations, says the government is determined to progress beyond ceasefires towards nation-building. It is “willing to discuss federalism, which was taboo for 20 years”, he says. Still, suspicion runs deep and the chance of resumed fighting is not negligible.

Furthermore, a crackdown that left at least 67 monks and six other people injured on November 29th, 2012, when riot police raided a protest against a \$1 billion expansion of the Myanmar Wanbao cooper mine in northern Myanmar (as presented in our November 2012 report), brings to light another risk of ethnic violence, namely with the Chinese immigrants who have settled in the past 20 years in the north of the country, often with citizenship papers obtained illegally. In most of Myanmar, the Chinese population is long-established and well-integrated, but this is not so in Mandalay and the north of Myanmar. The Brussels-based think tank Crisis Group reports that there is clearly a risk of intercommunal violence, something about which the Chinese government has long been concerned.⁴³

A. Rakhine State

After violence broke out in Rakhine in June 2012, local Buddhists began using social networking sites to organize attacks on Rohingyas, reported Aung Kyaw Oo, a member of the Rohingya community. Retaliatory attacks on Buddhists in Bangladesh have now escalated the anti-Rohingya campaign to new levels.⁴⁴ According to the U.N.'s chief humanitarian official, the Myanmar government must work harder to reconcile the two communities of Rakhine State.⁴⁵

According to the U.N., 115,000 people are living in camps or with host families across the state of Rakhine. Reports indicate that the vast majority are Rohingya Muslims who remain barred from citizenship under Myanmar law under the premise that most are illegal immigrants from neighboring Bangladesh. Though the area is rich in fish, rice and coconuts, thousands of children are starving, according to agencies active in the region. UNICEF estimates that as of October 2012, about 2,900 severely malnourished children were at risk of dying and 12,000 more needed nutritional supplements. Aid agencies say reaching some of those in need remains difficult, with efforts hampered by ongoing violence and threats against humanitarian workers. Rakhine Buddhists working with aid agencies have been threatened by fellow Buddhists, according to Refugees International. "If they were to help the Rohingya, they were called traitors to their own community," said Sarnata Reynolds, Refugee International program manager for statelessness. "There is still the threat of being arrested and charged with a crime. The government is not providing much access." Instead, Rohingya advocates say, Myanmar is sending its forces into villages to register the religion and ethnicity of Rohingya families. Journalists from the Associated Press recently witnessed government immigration officials carrying out a sort of census to verify citizenship. Rohingya groups say government officials are forcing them to call themselves "Bengali".⁴⁶

B. Kachin State

The armed conflict between the Kachin Independence Army ("KIA") and the government's armed forces continued to draw headlines in December. A year after Myanmar's president ordered a halt to military offensives against ethnic minority rebels, fighting rages in the northern state of Kachin as peace talks flounder. "Fighting between the Kachin Independence Organization ("KIO") and the Myanmar military has been happening every day in recent weeks," says Yup Zaw Hkaung, a local businessman and peace negotiator between the rebels and the government. Several rounds of talks aimed at resolving the conflict in the far north have shown little tangible progress. The Kachin rebels are calling for greater political rights and an end to alleged human rights abuses by the army. Both sides agreed on the need for another round of talks after the most recent meeting in October 2012, but no date or place had yet been decided. The U.N. recently appealed to Myanmar to stop blocking aid to tens of thousands of displaced people in rebel-held territory in Kachin.⁴⁷

On January 2nd, 2013, Myanmar's military acknowledged launching airstrikes against ethnic Kachin rebels in the north and said it captured a hilltop post from where the insurgents had attacked government supply convoys. The statement, broadcast on state television, contradicted government claims two days earlier that the military was not carrying out offensive air attacks in Kachin, again raising questions about how much control the elected government of president Thein Sein has over the army.

The government has sought to supply a base at Lajayang, close to KIA headquarters at Laiza. According to the Associated Press, the government delivered an ultimatum to the Kachin

to clear a road by Christmas Day so it could supply its base. The Kachin rejected the ultimatum for fear of a government attack. Each side blames the other for intensified fighting. The military announcement highlights a seeming disconnect between the government and the military, which retains much power behind the scenes.

The intensified military attacks on ethnic Kachin rebels calls into question efforts by the United States and other international powers to richly and quickly reward the nominally civilian regime there for a series of gestures toward political reform. The recent war with the Kachin is evidence of how hard it has been to build on the fruits of dialogue between Myanmar and armed ethnic-minorities.⁴⁸

The Chinese government is urging Myanmar to restore stability in the conflict-prone Kachin State near the northern border between the two countries after bombs fell in Chinese territory during the most recent attacks. Both the U.S. State Department and U.N. have also raised concern over the escalating conflict, and they have repeated calls to cease fighting and engage in dialogue. A statement issued by the president's office said peace negotiations between the government and the KIO and KIA would continue.⁴⁹

According to the U.N.'s under-secretary general for humanitarian affairs and emergency relief, humanitarian needs are a major concern in Kachin State. The Jan Mai Kawng camp, which is located in a government-controlled area outside Myitkyina, houses some 700 internally displaced people ("IDPs"). Ms. Amos urged the government to allow U.N. humanitarian workers access to IDP camps in Kachin, which are restricted for security reasons, but the U.N. has not been able to provide assistance to almost 40,000 people as it is not permitted to go to KIA-controlled areas. Local partners are providing food and other assistance but their stocks are depleted and with the winter months approaching, getting more supplies in is critical.⁵⁰

C. Shan State

Nearly a year after Myanmar signed ceasefire deals with rebels in several states, little has changed on the ground for the people of Shan. "The villagers and women continue to complain about sexual violence being committed by the government's Burma Army," Charm Tong, a co-founder of the women's group, the Shan Women's Action Network ("SWAN"), told *The Irrawaddy* in Chiang Mai, Thailand, after a recent trip to Myanmar. The government agreed to a ceasefire with Shan rebels in January 2012, but dozens of clashes were reported in the following months and the region remains highly militarized today.⁵¹

SWAN, a network of Shan women in Myanmar and Thailand that was formed in 1999 to combat violence against women and children, rose to international prominence a decade ago when it published a report alleging that sexual violence was part of the military's strategy to demoralize ethnic rebels and terrorize local communities.⁵²

Co-authored by the Shan Human Rights Foundation, a recent report documented 173 cases of rape and other sexual violence, involving more than 600 women and children, at the hands of Burmese soldiers in the state between 1996 and 2001. Since January 2012, when the government signed a ceasefire with Shan rebels, SWAN had received more than 10 reports of rape. Those figures are likely vast underestimates, according to SWAN.⁵³

SWAN co-founder Ying Harn Fah said the cultural stigma toward rape kept many women quiet, as did fears that coming forward would result in repercussions from the military.

As Myanmar transitions from military rule, SWAN says some legislators from Shan State have tried discussing human rights abuses in Parliament. Sai Thurein Oo, a lawmaker from the Shan Nationalities Democratic Party, said lawmakers who tried discussing sexual violence in the past have been criticized for falsely attacking the military.⁵⁴

V. Governance and Rule of Law

A. National Human Rights Commission

Myanmar's 15-member National Human Rights Commission was formed in September 2011 by President Thein Sein as part of a raft of liberalization overhauls. The Commission's mandate is to enhance public awareness by working together with regional human rights institutions for the promotion and protection of human rights in the disparate regions. In a statement issued on December 10, the commission stressed the need to lay out its plan for the future, embarking in 2013 on a long-term project to translate important human rights materials into Burmese.⁵⁵

To this end, the body submitted a draft Myanmar National Human Rights Commission Law to President Thein Sein that would give the Commission the requisite power and money to investigate and protect human rights. The Commission's submission to the president, which coincided with the United Nations' International Human Rights Day, notes that the Commission has already examined most of the over 3,000 citizen complaints received from September 2011 until the end of November 2012, that it has made several fruitful appeals to the president for the release of the country's prisoners of conscience, and that some of those released are currently playing an important role in the country's democratization process.⁵⁶

The Commission had sought to submit the proposed law for legislative approval sooner, but lawmakers wanted a formal presidential blessing, said Hla Myint, a Commission member. "This is the first time we've had a law like this," he said. "People in Myanmar...think there is a contradiction between funding from the government and independence."⁵⁷

While many details are yet to be determined, the draft would give the Commission subpoena powers over documents and witnesses for hearings. Controversially, it also recommends Commission appointments be made by the president from a short list of candidates drawn up by a panel that would include the attorney general, a Supreme Court judge and representatives from civil society.⁵⁸

Human-rights advocates say those planks aren't enough. Phil Robertson, deputy Asia director at Human Rights Watch, said such a selection process would go against the United Nations' Paris Principles drawn up in 1991, which among other things outline guidelines for establishing the independence of such commissions. "The president, to put it bluntly, has got a conflict of interest" in determining who should be on the Commission, Mr. Robertson said. "The question is: do they create a commission that really does have the independence to go into a situation and make a call based on facts, even if that call is unpopular with the president's office?"⁵⁹ Mr. Hla Myint, formerly a brigadier general with the military, responded that the proposed law could be altered when it goes through the parliamentary system after the president approves an initial version.

B. Official Corruption

Despite recent reforms, Myanmar was again listed as one of the most corrupt countries in the world in Transparency International's (TI) annual Corruption Perception Index. The 2012 rankings, which were released in December, ranked Myanmar as the 5th-worst country in terms of public sector corruption among 176 nations. TI said reforms had not improved Myanmar's ranking, as new anti-corruption measures remain tentative and their impact has yet to show up in its research.⁶⁰ With an index score of 15, Myanmar is far below the score of 50 at which public institutions are considered transparent.

Recent anti-corruption measures include a requirement for ministers and officials appointed by President Thein Sein to declare their financial assets and interests. The Lower House of parliament has also approved a committee with the power to investigate corruption in the judicial system.⁶¹ Building on these reforms, the government has begun drafting a new Anti-Corruption Law to replace the 1948 Suppression of Corruption Act, according to an announcement by the Home Affairs Ministry in the state-run newspaper *The New Light of Myanmar* on Nov. 30.⁶²

The Anti-Corruption Law "is potentially a step in the right direction, but whether or not it actually is will depend very much on the quality of the law itself—and on effective implementation," noted Samantha Grant, Southeast Asia program coordinator for TI. Grant added that Myanmar's Parliament also needs to ratify the UN Convention Against Corruption (UNCAC).⁶³ Myanmar signed UNCAC in 2005, but is the only member country of ASEAN which has not yet ratified it. The draft Anti-Corruption Law is a significant milestone in bringing Myanmar's legislation into compliance with international anti-corruption standards.⁶⁴

In spite of slow progress, some critics have begun to note that the government's attitude toward corruption is changing, particularly in light of the fact that corruption poses a major stumbling block for Western investors, such oil companies, which are bound by strict anti-corruption rules in their home countries. Such critics were therefore gratified in late December, when President Thein Sein voiced rare public criticism of his government, saying that rampant corruption, bribery and inefficiency were getting in the way of the country's much-touted reform process. To drive home his message, the President reprimanded a gathering of Cabinet ministers, regional leaders and other senior bureaucrats in a speech broadcast live on nationwide television and radio.⁶⁵

In a sharp contrast to the secretive leadership of the former military regime, the president told the gathering that the first wave of change under his government focused on political reforms and national reconciliation, while the second wave was aimed at helping the country's economy. The third phase, he said, will target corruption. "Good governance is still very weak in Myanmar and still falls short of international norms," Thein Sein said. "I would like to stress that bribery and corruption must be effectively prevented in order to implement good governance."⁶⁶

The president did not outline any proposed reforms in his speech, but noted that cleaning up and overhauling the bureaucracy will be "the third phase of our strategy for the reforms and development of the country."⁶⁷

C. Press Freedom

The Information Ministry announced on its website in December that any Myanmar national wishing to publish a daily newspaper will be able to submit an application in February 2013.⁶⁸

New papers will be allowed to begin printing on April 1, 2013 in any language. This latest step toward allowing freedom of expression in the long-repressed nation will permit private daily newspapers for the first time since 1964.

The move was an expected part of new press freedoms President Thein Sein has introduced as part of wider democratic reforms since taking office last year, which have included the abolition of direct censorship of the media. Testing their new freedoms, journalists and private publications have become bolder. They have printed once forbidden items including pictures and stories about anti-government demonstrations and sectarian violence.⁶⁹ The once highly taboo images of opposition leader Aung San Suu Kyi are now often displayed, even in state-controlled media.

¹ Antoni Slodkowski, “Japan’s Finance Minister Aso to Travel to Myanmar, Meet President Thein Sein”, Reuters, available at <http://www.reuters.com/article/2012/12/30/us-japan-finmin-idUSBRE8BT03820121230>

² James Parker, “The Next Step in Burma’s Economic Opening”, “The Diplomat” (December 12, 2012), available at <http://thediplomat.com/pacific-money/2012/12/12/global-banks-eye-burma/>

³ “Statement at the Conclusion of an IMF Staff Mission to Myanmar”, Press Release No. 12/453, November 21, 2012, available at <http://www.imf.org/external/np/sec/pr/2012/pr12453.htm>.

⁴ 2012 OFAC Recent Actions, Settlement Agreement between the U.S. Department of the Treasury’s Office of Foreign Assets Control and HSBC Holdings plc, December 11, 2012, available online <http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/ofac-actions-2012.aspx>

⁵ “From on or about December 26, 2003, to on or about September 6, 2007, ING Bank processed a combined 41 electronic funds transfers and trade finance transactions, in the aggregate amount of \$15,469,938, through financial institutions located in the United States, in apparent violation of the prohibitions against (i) “the exportation or re-exportation of financial services to Burma, directly or indirectly, from the United States....” of the Burmese Sanctions Regulations (“BSR”), 31 C.F.R. § 537.202, and/or (ii) dealing in property and interests in property that “come within the United States” of persons listed in the Annex to Executive Order 13310, 31 C.F.R. § 537.201”. Id at 5.

⁶ Laurie Burkitt and Sam Holmes, “China Urges Myanmar to Restore Peace Along Border”, The Wall Street Journal, January 4, 2013. See also UN Press Statement of January 2, 2013, “Statement Attributable to the Spokesperson for the Secretary-General on the air strikes in Kachin state in Myanmar”, available at <http://www.un.org/sg/statements/index.asp?nid=6535> (“The Secretary-General has taken serious note of the most recent reports indicating air strikes against targets in Kachin state”)

⁷ China Global Times, January 1, 2013: <http://www.globaltimes.cn/content/753226.shtml>.

⁸ China Global Times, January 1, 2013: <http://www.globaltimes.cn/content/753226.shtml>.

⁹ Association of Corporate Counsel, December 19, 2012: <http://www.lexology.com/library/detail.aspx?g=48c6964a-8625-4b43-97db-fde6c6b8f3d9>.

¹⁰ Wall Street Journal, December 5, 2012: <http://online.wsj.com/article/SB10001424127887324640104578160624124540546.html>.

¹¹ Wall Street Journal, December 5, 2012: <http://online.wsj.com/article/SB10001424127887324640104578160624124540546.html>.

¹² Wall Street Journal, December 4, 2012: <http://online.wsj.com/article/SB10001424127887323401904578158750073509488.html>.

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- ¹³ Wall Street Journal, December 4, 2012: <http://online.wsj.com/article/SB10001424127887323401904578158750073509488.html>.
- ¹⁴ Wall Street Journal, December 4, 2012: <http://online.wsj.com/article/SB10001424127887323401904578158750073509488.html>.
- ¹⁵ Financial Times, December 7, 2012: <http://blogs.ft.com/beyond-brics/2012/12/07/myanmar-anz-and-stanchart-lead-the-march-of-western-banks/#axzz2GqqMkAgr>.
- ¹⁶ Financial Times, December 7, 2012: <http://blogs.ft.com/beyond-brics/2012/12/07/myanmar-anz-and-stanchart-lead-the-march-of-western-banks/#axzz2GqqMkAgr>.
- ¹⁷ The Diplomat, December 22, 2012: <http://thediplomat.com/2012/12/22/empowering-burmas-entrepreneurs/>.
- ¹⁸ Only approximately 25% of the population now has access to power and the power sector has been the largest area of foreign investment to this point in Myanmar. Bangkok Post, December 17, 2012: <http://www.bangkokpost.com/business/economics/326567/myanmar-takes-the-long-view>.
- ¹⁹ The Diplomat, December 22, 2012: <http://thediplomat.com/2012/12/22/empowering-burmas-entrepreneurs/>.
- ²⁰ The Irrawaddy, December 24, 2012: <http://www.irrawaddy.org/archives/21986>.
- ²¹ The Dioplatom, December 22, 2012: <http://thediplomat.com/2012/12/22/empowering-burmas-entrepreneurs/>.
- ²² The Diplomat, December 12, 2012: <http://thediplomat.com/pacific-money/2012/12/12/global-banks-eye-burma/>.
- ²³ The Diplomat, December 12, 2012: <http://thediplomat.com/pacific-money/2012/12/12/global-banks-eye-burma/>.
- ²⁴ Myanmar Times, December 24, 2012: <http://www.mmtimes.com/index.php/national-news/3656-thilawa-to-open-in-2015-govt-touts-job-creation.html>.
- ²⁵ Japan Times, December 26, 2012: <http://www.japantimes.co.jp/text/nb20121226a4.html>.
- ²⁶ The Irrawaddy, December 14, 2012: <http://www.irrawaddy.org/archives/21295>.
- ²⁷ Bangkok Post, December 17, 2012: <http://www.bangkokpost.com/business/economics/326567/myanmar-takes-the-long-view>.
- ²⁸ Bangkok Post, December 17, 2012: <http://www.bangkokpost.com/business/economics/326567/myanmar-takes-the-long-view>.
- ²⁹ Daily Yomiuri, January 1, 2013: <http://www.yomiuri.co.jp/dy/world/T121231002556.htm>.
- ³⁰ Times of India, December 29, 2012: http://articles.timesofindia.indiatimes.com/2012-12-29/guwahati/36050751_1_pangsau-pass-border-trade-stilwell-road; Z News, December 8, 2012: http://zeenews.india.com/news/nation/india-building-roads-bridges-in-myanmar_815430.html.
- ³¹ Borneo Post, December 6, 2012: <http://www.theborneopost.com/2012/12/06/brunei-in-talks-with-myanmar-on-concessions/>.
- ³² Duetsche Welle, January 1, 2013: <http://www.dw.de/lawmakers-support-sustainable-tourism-in-myanmar/a-16408539>.
- ³³ Bangkok Post, December 17, 2012: <http://www.bangkokpost.com/business/economics/326567/myanmar-takes-the-long-view>.
- ³⁴ Bangkok Post, December 17, 2012: <http://www.bangkokpost.com/business/economics/326567/myanmar-takes-the-long-view>.

-
- ³⁵ Future Gov, December 10, 2012: <http://www.futuregov.asia/articles/2012/dec/10/myanmar-braces-2014-population-and-housing-census/>.
- ³⁶ Voice of America, December 14, 2012: <http://learningenglish.voanews.com/content/banking-reform-is-central-to-burmas-economic-progress/1565443.html>.
- ³⁷ Voice of America, December 14, 2012: <http://learningenglish.voanews.com/content/banking-reform-is-central-to-burmas-economic-progress/1565443.html>.
- ³⁸ The Irrawaddy, December 9, 2012: <http://www.irrawaddy.org/archives/20794>; The Irrawaddy, December 11, 2012: <http://www.irrawaddy.org/archives/20944>
- ³⁹ The Irrawaddy, December 9, 2012: <http://www.irrawaddy.org/archives/20794>
- ⁴⁰ The Irrawaddy, December 21, 2012: <http://www.irrawaddy.org/archives/21805>
- ⁴¹ The Irrawaddy, December 21, 2012: <http://www.irrawaddy.org/archives/21805>
- ⁴² Financial Times, December 4, 2012: <http://www.ft.com/intl/cms/s/2/c0b9be60-3df9-11e2-91cb00144feabdc0.html#axzz2H2eUKgSY>
- ⁴³ Reuters, December 27, 2012: <http://www.reuters.com/article/2012/12/28/us-myanmar-reforms-idUSBRE8BR02P20121228>
- ⁴⁴ Deutsche Welle, December 10, 2012: <http://www.dw.de/new-retaliatory-attacks-on-myanmars-rohingyas/a-16303400>
- ⁴⁵ The Myanmar Times, January 4, 2013: <http://www.mmtimes.com/index.php/national-news/3551-myanmar-must-aid-displaced-un.html>
- ⁴⁶ The Los Angeles Times, December 6, 2012: <http://www.latimes.com/news/world/worldnow/la-fg-wn-displaced-myanmar-un-20121206,0,4643862.story>
- ⁴⁷ Daily Times, December 19, 2012: http://www.dailytimes.com.pk/default.asp?page=2012%5C12%5C19%5Cstory_19-12-2012_pg14_5
- ⁴⁸ The Christian Science Monitor, January 3, 2013:
<http://www.csmonitor.com/World/Backchannels/2013/0103/Backward-step-for-reform-in-Myanmar>
- ⁴⁹ The Wall Street Journal, January 4, 2013:
<http://online.wsj.com/article/SB10001424127887323374504578221463000080802.html>

-
- 50 The Myanmar Times, January 4, 2013: <http://www.mmmtimes.com/index.php/national-news/3551-myanmar-must-aid-displaced-un.html>
- 51 Reliefweb, December 22, 2012: <http://reliefweb.int/report/myanmar/despite-ceasefire-sexual-violence-continues-shan-state-women%E2%80%99s-group>
- 52 Id.
- 53 Id.
- 54 Id.
- 55 Global Times, December 10, 2012: <http://www.globaltimes.cn/content/749191.shtml>
- 56 Global Times, December 10, 2012: <http://www.globaltimes.cn/content/749191.shtml>
- 57 The Wall Street Journal, December 11, 2012:
<http://online.wsj.com/article/SB10001424127887324339204578173013000789872.html?KEYWORDS=SAM+HOLMES>
- 58 The Wall Street Journal, December 11, 2012:
<http://online.wsj.com/article/SB10001424127887324339204578173013000789872.html?KEYWORDS=SAM+HOLMES>
- 59 The Wall Street Journal, December 11, 2012:
<http://online.wsj.com/article/SB10001424127887324339204578173013000789872.html?KEYWORDS=SAM+HOLMES>
- 60 Transparency International, Corruption Perceptions Index 2012: <http://www.transparency.org/cpi2012/results>
- 61 The Irrawaddy, December 6, 2012: <http://www.irrawaddy.org/archives/20686>
- 62 United Nations Office on Drugs and Crime:
<http://www.unodc.org/eastasiaandpacific/en/myanmar/2012/10/uncac/story.html>
- 63 Transparency International, Corruption Perceptions Index 2012: <http://www.transparency.org/cpi2012/results>
- 64 United Nations Office on Drugs and Crime:
<http://www.unodc.org/eastasiaandpacific/en/myanmar/2012/10/uncac/story.html>
- 65 Global Times, December 10, 2012: <http://www.globaltimes.cn/content/749191.shtml>
- 66 The Washington Post, December 26, 2012: http://articles.washingtonpost.com/2012-12-26/world/36016091_1_theinsein-myanmar-president-direct-media-censorship
- 67 Id.
- 68 The Huffington Post, December 28, 2012: http://www.huffingtonpost.com/2012/12/28/myanmar-private-newspapers_n_2375543.html?utm_hp_ref=media
- 69 Global Post, December 28, 2012: <http://www.globalpost.com/dispatch/news/regions/asia-pacific/myanmar/121228/myanmar-allow-daily-private-newspapers>