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Myanmar Update Report

October 2012 REPORT

This report seeks to provide an overview of the developments in October 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

Extraordinary democratic reforms have swept across Myanmar since President Thein Sein came to power in March 2011. In response to Myanmar's reform efforts, a wave of nations have relaxed or eliminated sanctions against the impoverished Southeast Asian nation, providing Myanmar an opportunity for greater diplomatic and economic engagement. While the Myanmar government has taken promising steps towards democracy, including the initiation of ceasefire talks with ethnic militias, the release of hundreds of jailed political prisoners, and a dialogue with the National League for Democracy (NLD), recent events demonstrate the fragility of Myanmar's reform process.

A. U.S. Sanctions Easing

In October 2012, coinciding with the visit of a senior U.S. Treasury official, Deputy Secretary of Treasury Neal S. Wolin, the U.S. announced the lifting of sanctions and restrictions on financial institutions lending to Myanmar. Prior U.S. legislation and other executive branch actions laid the groundwork for this change. The easing of financial sanctions immediately cleared the way for a landmark \$80 million grant by the World Bank. Wolin also met with President Thein Sein, allegedly discussing the removal of all sanctions by the US.

According to the U.S. Treasury and Embassy in Rangoon, on October 25th:

Deputy Secretary of Treasury Neal S. Wolin concluded two days of meetings with senior government officials, parliamentarians, and presidential advisors in Naypyitaw. Deputy Secretary Wolin held substantive and productive discussions with President Thein Sein; Lower House Speaker Thura Shwe Mann; Minister of the President's Office Soe Thein; Finance Minister Win Shein; Central Bank Governor Than Nyein; parliamentarian and political party leader Aung San Suu Kyi; and advisors to President Thein Sein.

Deputy Secretary Wolin discussed ways in which the United States can support continued economic reform in Myanmar, particularly through assistance to develop Myanmar's financial sector and improve public financial management. Deputy Secretary Wolin urged the Burmese government to continue progress on improving transparency in the country's banking, enforcement and tax policy and administration. He welcomed the Burmese intention to reform and develop the country's financial sector and noted that the Treasury Department looked forward to assisting in this process. He also encouraged the government to continue strengthening human rights and democracy.

The Deputy Secretary's trip **follows the Administration's implementation of new legislation** signed by President Obama that will provide the **United States with flexibility to vote in support of worthwhile financial assistance programs for the country that will be carried out by international financial institutions (IFI) such as the World Bank and Asian Development Bank.**¹

Echoing the above, the U.S. Treasury Department further stated that:

The Deputy Secretary will also explore ways in which the Treasury Department can provide technical assistance to help local authorities build capacity in areas

such as revenue transparency and protecting against financial crimes. The Deputy Secretary will also discuss ways that the country's officials can make progress on their commitments to improve their Anti-Money Laundering / Countering the Financing of Terrorism controls in cooperation with the Financial Action Task Force (FATF). Increased cooperation with FATF is central to facilitating the continuing reintegration of the country's financial system into global markets, consistent with United States policy on new investment and the export of financial services.

Clearly, while the U.S. is liberalizing its sanctions policies—this month, through financial easing—it intends to maintain leverage to push for reform. Indeed, even with respect to World Bank investment, the U.S. and other countries may be increasing, not decreasing, leverage over Burmese government processes.

This visit by Wolin fell on the heels of an October 18th, 2012 visit by Deputy Secretary of State Burns during which he met senior government officials and parliamentarians to discuss advancing political and economic reforms. This easing of financial services and lending sanctions follows on the heels of a humanitarian assistance grant for Rakhine State by the U.S., an easing of restrictions against U.S. corporate investment in Myanmar (followed by investments by General Electric and other U.S. companies), and other actions. See our September 2012 Report for more details.

B. Developments in the Broader Sanctions Community

Concomitant with the general easing of sanctions relating to lending by financial institutions, the World Bank has pledged to Myanmar a grant of \$80 million. More precisely, “[a] National Community Driven Development Project, funded by a pre-arrears clearance grant of US\$80 million, was also approved today to deliver quick benefits to the poor and vulnerable. It will empower rural communities to choose investments they need most, such as roads, bridges, irrigation systems, schools, health clinics or rural markets. . . . The Project will operate in 15 townships, one in each state, region and Union territory, with poverty as the key criteria in township selection. Communities will elect representative councils that will identify priority needs, prepare development plans, design projects, contract materials and labor, and transparently manage and report on the use of project funds. . . . **The Bank is working with the Japanese Government and the Asian Development Bank to clear arrears in early 2013** to enable Myanmar to access IDA resources, and resume a full country program.”² The \$80 million grant is slated for “rural communities to build roads, bridges, schools and health clinics” and comes after the current government “began implementing economic, political and other reforms”.³ The World Bank notes that Myanmar has \$397 million in arrears, on prior debt, which it hopes to help restructure by January 2013.⁴ Another \$165 million will allegedly be provided to Myanmar once the country has cleared its overdue debt to the bank.⁵ As one correspondent notes, “the E.U. is now competing with the U.S., China and other Asian countries for trade and investment opportunities in Myanmar, now that most sanctions against the country have been lifted.”⁶ However, as in other countries, the E.U. is maintaining select sanctions relating to certain individuals, arms, trade items that can be used for oppression, etc.⁷

II. Economic Development

A. Investment Reform Agenda

State television announced on November 2nd, 2012 that Myanmar's president signed long-awaited and much-revised legislation establishing a foreign investment law. Parliament earlier this year had passed a version of the bill, but it was sent back by President Thein Sein for revision. A local newspaper reported that lawmakers have amended 10 out of 11 points in the legislation that Thein Sein wanted changed.

The revision included an adjustment of the allowable foreign stake in joint ventures. It removed a cap on a foreign investor's stake in a joint venture and said the amount of start-up capital should be decided by the foreign and local partners. Investors previously criticized the law as too vague and not attractive enough to foreign investors, resulting in the legislation being passed back and forth between the parliament and the president's office since early this year.⁸

The text will be published November and will be covered in our November report.

B. Foreign Investment and Human Rights Abuses

Foreign investment in Myanmar has the potential to exacerbate human rights abuses (such as land grabbing), ethnic conflict and corruption. Given the weak institutional development of the country, there is a concern that the Myanmar government may not protect human rights, or worse that (local) armed forces, government and courts may suppress community opposition to corporate activity with violence and arbitrary detention. As long as the rule of law remains weak in Myanmar, the onus is on (a) foreign investors to voluntarily comply with International Best Practices (such as the OECD Guidelines for Multinational Enterprises, the U.N. Guiding Principles for Business and Human Rights and the Voluntary Principles for Security and Human Rights) and (b) developed countries, such as the U.S. and Japan, to impose certain requirements on their enterprises operating in Myanmar. In this section II.B, we aim to highlight certain abuses that have been reported in connection with foreign investment and economic development. U.S. policies with respect to U.S. investors and economic developments relating to Japanese corporations are described in section II.C below.

The public movement to stop the Monywa copper mining project in Sagaing Division is continuing, with farmers and locals symbolically planting about a thousand toddy palm trees in the area, and holding a theater show to publicize their plight. Several members of civic society groups which have supported the affected farmers in the area said that they would do whatever they could to help the Monywa farmers. "They have said they may even organize a hunger strike if they do not receive assurances from the mining company or the government that the project will be completely abandoned," said Aung Soe from Rangoon Civic Society Group.⁹

Meanwhile, a lawsuit against the mining companies for allegedly using force and intimidation against protesters has been filed by a consortium of farmers representing 26 local villages. It was presented to the Sarlgyi police station. A previous lawsuit against the Burmese and Chinese investors for using force to keep protesters away from the mining site was already thrown out.¹⁰

A large number of farmers continue to be displaced to make way for the Korean- and Chinese-owned Shwe gas pipelines, often with little or no compensation and after inadequate or

discriminatory consultation processes.¹¹ An alliance of 12 civil society groups in Myanmar have called for the suspension of the Shwe gas pipelines until the project has been properly assessed and the existing problems have been solved. In its October 1st statement, the alliance, known as Myanmar-China Pipeline Watch Committee, called on the Myanmar government to ensure transparency in the project's affairs, and for environmental and social impact assessments to be conducted before the remaining 20 percent of the construction is completed. The NGO alliance said that local ethnic people are not entitled to participate in the project's implementation meetings, and that their rights are not being respected. Environmental activists claim that locals have lost their farmlands and crops, public lakes and other sources of drinking water, religious grounds, watershed areas, forests, flora and fauna, marine life and coral reefs due to the pipeline construction.¹²

C. Economic Developments relating to Japanese corporations and U.S. Policies for Corporations Entering Myanmar

1. Japanese Engagement

Japan is engaged in a public-private effort to invest substantially in Myanmar. An article by Jaswant Singh, former Finance Minister, Foreign Minister, and Defense Minister of India, noted that Japan “is doing the heavy lifting of modernizing Myanmar’s economy” by “deploying vast government aid and private-sector engagement reminiscent of its investments in China at the height of Japanese global economic power in the 1980’s [sic].”¹³ Singh suggests the purpose of this is not only commercial reasons but also to “shift [Myanmar’s] diplomatic orientation away from China.”¹⁴

The Japanese government has made enormous investments in the past year in Myanmar.¹⁵ It has cobbled together \$18 billion in aid, investment, and debt forgiveness (\$5 billion of which is debt restructuring and forgiveness) in return for the right to develop a special economic zone at Thilawa, an Indian Ocean port near Myanmar’s largest city.¹⁶ Japan will also provide up to \$3.2 billion in new lending to build another special economic zone and deep-sea port in Dawei.¹⁷ However, to date, it seems that not much progress has been made on the development itself.

The keen interest of the Japanese private sector is reflected in comments made by the chairman of the Japan External Trade Organization, Hiroyuki Ishige, who told the Japanese press that he had “the impression that many [Japanese] companies were seriously thinking about investing” in Myanmar.¹⁸ Similarly, a spokesperson of the Japanese Chamber of Commerce and Industry recently stated that “Japanese companies are likely to enter Myanmar en masse to do business soon.”¹⁹ Mr. Ishige pointed out, however, that many Japanese companies were concerned about the availability of electricity and blackouts in Myanmar, which necessitated investments in expensive backup systems.²⁰ Japanese companies have also been concerned about other aspects of Myanmar’s physical infrastructure, including roads and ports, as well as the status of Myanmar’s legal frameworks around investment policy, taxation, and intellectual property.²¹

2. U.S. Engagement

U.S. policy toward Myanmar reflects an easing of investment restrictions on that country but not a total end to those restrictions. In response to several political reforms by the Government of Myanmar and pursuant to authority granted by International Emergency Economic Powers Act, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued a general license (GL 17) on July 11, 2012 authorizing new investment in Myanmar, subject to certain restrictions and conditions. In order to support the Department of State's efforts to assess the extent to which new U.S. investment authorized by GL 17 furthers the U.S. foreign policy goals of improving human rights protections and facilitating political reform in Myanmar, GL 17 requires U.S. persons engaging in new investment in Myanmar to report to the Department of State information related to such investment, as laid out in the "Reporting Requirements on Responsible Investment in Burma."²² Any U.S. person with investments above \$500,000 will be required to file two reports: one for the U.S. government, which will be kept confidential, and another that will be released publicly.²³ According to the State Department, "[t]he purpose of the public report is to promote greater transparency and encourage civil society to partner with our companies toward responsible investment."²⁴ The full report requires extensive information and "must cover the names of all . . . subsidiaries in Myanmar, the nature of their business, the location of their operations, and the numbers of workers employed."²⁵ The report must also "provide a summary of . . . policies and procedures governing human and worker rights, anticorruption efforts, environmental policies, engagement with local communities and other stakeholders, and corporate social responsibility."²⁶ Companies are also required to "report any land purchases and whether any people displaced by the acquisitions were compensated, all payments to government entities above \$10,000, and any communications with the country's armed forces."²⁷ Investments in the Myanmar Oil and Gas Enterprise, the largest source of the Myanmar government's revenue, are permitted but must be reported within 60 days.²⁸

The Department of State accepted comments from the public until October 5th, 2012. EarthRights International (ERI) submitted comments on October 4th, 2012. ERI's first comment relates to a provision in the proposed reporting requirements that allows submitters to withhold information from their public reports if they believe it would be exempt from disclosure under the Freedom of Information Act (FOIA Exemption 4, *i.e.*, trade secrets or commercial or financial information that is privileged or confidential). ERI recommends that this possibility to withhold information be deleted. ERI's second proposal is to clarify that investors are expected to provide all the required information for *all* related entities (including joint ventures, suppliers, and business associates). Finally, ERI has proposed a revision of the reporting requirements based on internationally recognized best practices and standards.²⁹

Some U.S. companies have already taken advantage of the opening. Indeed, "[a] handful of U.S. giants - including GE and Coca-Cola - already have returned" to Myanmar.³⁰ In Thilawa, the special economic zone being developed largely through Japanese investment, Western power firms such as GE and Siemens and construction giants such as Bechtel and Balfour Beatty could win subcontracts from the Japanese, business analysts say.³¹ U.S. businesses do not face hurdles only from regulatory issues. Like their Japanese companies, they are concerned with the status of Myanmar's legal framework for foreign investment.³²

III. Political Prisoners

As discussed in our September report, last month more than 500 political prisoners were freed including, according to activist groups, 80 to 90 prisoners of conscience who received presidential pardons. The United States reacted cautiously, while human rights groups criticized the pace of the releases.³³ The previous report noted that it remains confusing which prisoners were political prisoner and how many are left. The September report also noted that the U.N. Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, raised concerns about conditionality on the releases that could lead to those who were released being arrested once again, as well as the need for adequate provision of services to those released.

This past month the Congressional Research Service (CRS) released a report on political prisoners in Myanmar which identified no additional prisoner releases since September 17th, 2012.³⁴ Nevertheless, in October remarks, Mr. Ojea Quintana stated “[r]eforms continue to move at a rapid pace in Myanmar and considerable progress has been made, including in the country's human rights situation,” however, “it is clear that addressing longstanding human rights concerns needs to be an integral part of this process of reform.”³⁵ He urged the Myanmar government to release “all remaining prisoners of conscience without conditions or delay.” Quintana also warned that ethnic strife between Buddhists and Muslims “risk[ed] overshadowing the country's moves away from its military junta past.”³⁶

The CRS report stated that: “No single issue may play a more pivotal role in Myanmar’s possible transition to a free and democratic country than the release of its political prisoners,” and also that: “The status of Myanmar’s political prisoners is likely to figure prominently in any Congressional consideration of US policy in Myanmar.”³⁷ The report estimated the number of political prisoners remaining at between “a couple of hundred” to “over 700” with occasional reports of new political prisoners.³⁸ In total, since the appointment of Thein Sein as President in April 2011, 28,838 prisoners have been released, of which 745 were political prisoners according to the Association for Political Prisoners (Burma), or AAPP(B), which believes 914 political prisoners remain (although the AAPP(B) does not limit its definition of political prisoners to “prisoners of conscience”).³⁹

The manner in which U.S. sanctions regimes against Myanmar are explicitly linked to the political prisoners issue is noted by the CRS report, which states that “U.S. economic sanctions that may have limited Myanmar’s economic performance will remain in place until all political prisoners have been freed.”⁴⁰ In particular, there are political prisoner provisions in Section 138 of the Customs and Trade Act of 1990; Section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1997; the Burmese Freedom and Democracy Act of 2003; and The Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008.⁴¹

There is also a discussion of the relation between the ethnic conflicts in Myanmar and the political prisoners issue in the CRS report. It notes that some ethnic minorities may not participate in elections or engage in national reconciliation discussions without release of political prisoners.⁴² These include the Chin National Party, the Mon National Democratic Front, the Rakhine National Democratic Party, the Shan Nationalities League for Democracy (SNLD), and the Zomi National Congress.⁴³ The decision of the NLD to participate in elections has potentially created tensions with these ethnic political parties because they see the actions of the NLD as an abandonment of opposition solidarity.⁴⁴ It is unclear whether political prisoners

currently being held are from minority ethnic groups or non-minority dissident groups that once opposed the government. However, the CRS report did note that in the large release of political prisoners in January 2012 “[o]nly a few . . . are associated with the ethnic militias or their affiliated political parties.”⁴⁵

IV. Ethnic Violence

A. Rakhine State

October saw a continuation of the sectarian violence between Rohingya Muslims and ethnic Rakhine Buddhists. Over the last month, violence by extremists and vigilantes in Rakhine State has left at least 89 people dead and nearly 30,000 people have been rendered homeless, most of whom are Muslims now forced to live in refugee camps.⁴⁶

The latest unrest that started on October 21st is some of the most serious violence that has been reported between these two ethnic groups since the violence originally erupted in May of this year. Human Rights Watch published satellite photos that showed a Muslim sector in the town of Kyaukpyu leveled by what appeared to be methodical and premeditated arson.⁴⁷

The violence was reported in Mrauk U, Minbya, Rathedaung, and Kyauktaw townships, north of the state capital of Sittwe, and in southern Rakhine’s Kyauk Phyu city and Mebyon township, some of which have been placed under emergency rule.⁴⁸ According to residents, the authorities had opened fire in a bid to control the violence and both Rakhines and Rohingyas suffered casualties. “The authorities . . . fired their guns and dispersed the crowds and confiscated some weapons,” Ko Aung Soe Thein, a Rakhine resident of Kyauk Phyu told Radio Free Asia, blaming the Rohingyas for starting the clashes.⁴⁹ Other villagers stated that the military had opened fire to prevent Rakhine villagers on boats from storming a Rohingya Muslim community.⁵⁰

Following international criticism that Myanmar’s new government was doing too little to protect Muslim Rohingyas, the shooting is a sign that the military, which was accused in the past of siding with Buddhists, is getting tougher.⁵¹ As relations with Myanmar’s quasi-civilian government have been improving, the United States has been lifting sanctions on Myanmar but according to Reuters was deeply concerned over the past violence and urged all parties to show restraint and halt attacks.⁵²

The Muslim Rohingya not being recognized as citizens by the Myanmar government, nor as among the 135 official ethnic groups in the country, continues to be viewed as a serious impediment to protecting their rights.⁵³ Amnesty International and other rights groups have called on Myanmar to amend or repeal a 1982 citizenship law to end the Rohingya’s stateless condition.⁵⁴ The U.S. State Department has urged Myanmar to grant full humanitarian access to the affected areas, start a dialogue with the goal to reconciliation, and open investigations into the violence.⁵⁵

Many Muslims countries wanted to channel aid to the Rohingya through the opening of an office of the Organization of Islamic Co-operation (OIC).⁵⁶ However, following

demonstrations by thousands of Buddhist monks and laypeople on October 15th, Myanmar's government said that it would not allow the OIC to open a liaison office.⁵⁷ Animosity toward the Rohingya is being driven in part by nationalist-minded Buddhist monks who say they fear the Islamization of large parts of Myanmar.⁵⁸

President Thein Sein appointed an investigative commission earlier in 2012 to determine the causes of this ethnic violence, but has not yet proposed any policies to address those causes.⁵⁹ He has at times called for the segregation of the Rohingya and even their expulsion from Myanmar, which feeds popular animosity against the Rohingya.⁶⁰

The opposition leader, Aung San Suu Kyi has been criticized for not taking a firm stand on Myanmar's Rohingya problem. In times when Myanmar's government is drafting new legislation, the NLD has been criticized for not having concrete policies on this issue and experts to formulate them.⁶¹ During Aung San Suu Kyi's recent tour to the United States, when asked about minority issues, particularly in Kachin and Rakhine states, she only emphasized the need for rule of law but refrained from condemning the Myanmar military.⁶²

The U.S. and the European Union, among other trade partners, are watching Myanmar's response closely. While freer elections and a more open media encouraged Western countries to lift many of their sanctions against Myanmar, the measures were only suspended, not removed. Both Washington and Brussels have warned authorities that sanctions could be reimposed if ethnic conflicts worsen.⁶³

B. Karen State

Karen state has seen decades of fighting between the Burmese military and Karen National Union (KNU) troops, with the two sides unable to agree on a ceasefire despite an initial peace agreement signed in January of this year.⁶⁴

According to a report from Radio Free Asia, the top commander of the Karen rebel forces fighting for self-rule in eastern Myanmar and two prominent peace negotiators for the ethnic minority group were sacked October 3rd for allegedly opening a liaison office in collusion with the government without informing the group's political wing.⁶⁵

Internal conflict amongst the Karen leadership surfaced last month after a third round of peace talks with the Burmese government, with some Karen representatives accused of rushing into peace negotiations and others of remaining too cautious. Some Karen groups living abroad say they have serious misgivings about the sincerity of the Burmese government to formulate a peace agreement following the recent developments.⁶⁶

There has also been some activity on the part of NGOs to ameliorate the issues of armed ethnic minorities like the Karen; according to the Associated Press, a philanthropic organization working with the Japanese government will give \$3 million in humanitarian aid to Myanmar's armed ethnic minorities in an effort to support Myanmar's democratic and economic reforms.⁶⁷

V. Governance and Rule of Law

A. Recent Developments in Parliament

Myanmar's two houses of Parliament opened their 5th session on October 31st. According to parliamentary sources, topics to be discussed in the coming session include amending the Auditor-General's Law, withdrawal of an old Myanmar Five Star Shipping Corporation Law, withdrawal of a political law enacted during the period of the National Convention and withdrawal of a land confiscation law in connection with mineral exploitation. Other important bills to be approved in the next session include the Foreign Investment Law and the much discussed new media law.⁶⁸

The parliament this month approved the nomination of Nyan Tun as the new vice president. The legislature also approved the government's appointment of 11 new officials to take up ministerial posts, as well as a new Auditor-General, following a major cabinet reshuffle last month in which nine ministers were reassigned, two ministers and the Auditor-General resigned, one deputy minister was shifted and 19 new deputy ministers were appointed.⁶⁹ The reshuffle of the cabinet has added four ministries to the President's Office.

The two houses' separate sessions will be followed by a joint union parliament opening session on November 5th.

B. Legal & Judicial Issues

While progress toward liberalizing Myanmar's antiquated investment regime steadily moves forward, many remain concerned that these gains will be for naught without a bold reform of the broader judicial system. Myanmar's courts remain underfunded and overly susceptible to political interference.

Opposition leader and parliamentarian Aung San Suu Kyi was named chairperson of a 15-member Committee for Rule of Law and Tranquility of the Lower House of Parliament. The committee is charged with the oversight of lawmakers, judicial bodies, government staff, and media outlets to ensure conformity with the rule of law. The committee announced this month that it has so far received more than 1,700 complaint letters from citizens seeking help.⁷⁰ Committee Secretary Win Myint explained that most of the complaints are related to judicial issues, with particular emphasis on land disputes.⁷¹

During her by-election campaign, Aung San Suu Kyi made the rule of law a major campaign issue. Speaking at the 21st World Economic Forum on East Asia in Bangkok this summer, she warned politicians and businessmen that "even the best investment law would be of no use whatsoever if there is no court clean enough and independent enough to be able to administer these laws justly. . . . Good laws already exist in Myanmar, but we do not have a clean and independent judicial system."⁷²

It was with these concerns in mind that U.S. Deputy Secretary of State William J. Burns visited Naypyitaw for meetings with senior government officials and parliamentarians on

October 18th.⁷³ In a press release describing the visit, the U.S. Embassy Rangoon noted the importance of the first bilateral dialogue on human rights held on the occasion of Burns' visit.

A Myanmar delegation led by the Director General of the Legal and Consular Affairs Department of the Foreign Ministry, U Tha Aung Nyunt, and a U.S. delegation led by Assistant Secretary of Democracy, Human Rights and Labor, Michael Posner, attended the dialogue.⁷⁴ The two sides discussed issues and potential reforms of the criminal judicial system, the role of court and judicial staff in the rule of law, crime and punishment, matters related to prisoners, laws enacted by the parliament, the role of civil society and future programs.⁷⁵ The meeting did not result in immediate, concrete proposals, but the Myanmar delegation noted that the dialogue was a positive and worthwhile initial step forward in the country's efforts to promote and protect human rights.

¹ U.S. Embassy Rangoon Press Release, October 25, 2012: <http://burma.usembassy.gov/> (emphasis added)

² World Bank Press Release, "World Bank Group steps up support for reforms in Myanmar with new interim strategy to improve people's lives", November 2, 2012: <http://www.worldbank.org/en/news/2012/11/02/world-bank-group-steps-up-support-for-reforms-in-myanmar-with-new-interim-strategy-to-improve-peoples-lives> (emphasis added)

³ BBC News, "World Bank to lend to Burma for first time in 25 years", November 2, 2012: <http://www.bbc.co.uk/news/business-20176841>

⁴ Reuters, "World Bank to help Myanmar clear arrears", August 1, 2012: <http://www.reuters.com/article/2012/08/01/us-myanmar-worldbank-idUSBRE8700AO20120801>

⁵ BBC News, "World Bank to lend to Burma for first time in 25 years", November 2, 2012: <http://www.bbc.co.uk/news/business-20176841>

⁶ Id.

⁷ See, e.g., European Union: Restrictive Measures (Sanctions) In Force *eeas.europa.eu/cfsp/sanctions/docs/measure_en.pdf*; or: https://docs.google.com/viewer?a=v&q=cache:4Kfl_JHEyFoj:eeas.europa.eu/cfsp/sanctions/docs/measure_en.pdf+sanctions+myanmar+october+2012+europe&hl=en&gl=us&pid=bl&srcid=ADGEESHksL5vOW675V43DNOI-n-TQ_6eQtRPLubR7WTj8OMGgOkB7wADPenQD7EfCxaMCQ3FgjAL9BV3RilUuqP0b8BkFV2bRl0pZK3RzVqvyyvUuA9_ndMdJuE7dEKQ6OUaLPGwhJ7E&sig=AHIEtbSbVhDy9_3ZHBRQiSRAOsNjPSRDVA

⁸ The Washington Post, November 2, 2012: http://www.washingtonpost.com/business/myanmar-foreign-investment-law-revised-by-parliament-awaiting-presidents-approval/2012/11/02/b6f7e8e4-24fd-11e2-92f8-7f9c4daf276a_story.html

Herald Tribune, November 2, 2012: <http://www.heraldtribune.com/article/20121102/APF/1211020741>

⁹ The Irrawaddy, October 11, 2012: <http://www.irrawaddy.org/archives/16251>

¹⁰ The Irrawaddy, October 11, 2012: <http://www.irrawaddy.org/archives/16251>

¹¹ EarthRights International, "Comment of EarthRights International on the Paperwork Reduction Act Review for Proposed Reporting Requirements on Responsible Investment in Burma", October 2, 2012, link to PDF report on <http://www.earthrights.org/campaigns/us-state-department-must-hold-us-companies-burma-international-standards>

¹² The Irrawaddy, October 3, 2012: <http://www.irrawaddy.org/archives/15668>

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- 13 Guatemala Times, October 29, 2012: <http://www.guatemala-times.com/opinion/syndicated-3/3383-burma-to-myanmar-and-back-.html>.
- 14 Guatemala Times, October 29, 2012: <http://www.guatemala-times.com/opinion/syndicated-3/3383-burma-to-myanmar-and-back-.html>.
- 15 Reuters, October 2, 2012: <http://www.reuters.com/article/2012/10/02/us-japan-myanmar-idUSBRE89117W20121002>.
- 16 Reuters, October 2, 2012: <http://www.reuters.com/article/2012/10/02/us-japan-myanmar-idUSBRE89117W20121002>.
- 17 Reuters, October 2, 2012: <http://www.reuters.com/article/2012/10/02/us-japan-myanmar-idUSBRE89117W20121002>.
- 18 The Irrawaddy, October 27, 2012: <http://www.irrawaddy.org/archives/17440>.
- 19 The Myanmar Times, October 8, 2012: <http://www.mmtimes.com/index.php/business/2244-japanese-companies-edge-closer-to-broad-myanmar-investment.html>.
- 20 The Irrawaddy, October 27, 2012: <http://www.irrawaddy.org/archives/17440>.
- 21 The Myanmar Times, October 8, 2012: <http://www.mmtimes.com/index.php/business/2244-japanese-companies-edge-closer-to-broad-myanmar-investment.html>.
- 22 Federal Register, August 6, 2012: <https://www.federalregister.gov/articles/2012/08/06/2012-19283/60-day-notice-of-proposed-information-collection-reporting-requirements-for-responsible-investment>
- 23 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- Reporting Requirements on Responsible Investment in Burma: <http://www.humanrights.gov/wp-content/uploads/2012/07/Burma-Responsible-Investment-Reporting-Reqs.pdf>
- 24 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- 25 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- 26 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- 27 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- 28 Center for Strategic and International Studies, July 12, 2012: <http://csis.org/publication/united-states-announces-steps-ease-myanmar-sanctions>.
- 29 EarthRights International, “Comment of EarthRights International on the Paperwork Reduction Act Review for Proposed Reporting Requirements on Responsible Investment in Burma” (the “ERI Report”), October 2, 2012, link to PDF report on <http://www.earthrights.org/campaigns/us-state-department-must-hold-us-companies-burma-international-standard>
- 30 Reuters, October 2, 2012: <http://www.reuters.com/article/2012/10/02/us-japan-myanmar-idUSBRE89117W20121002>.
- 31 Reuters, October 2, 2012: <http://www.reuters.com/article/2012/10/02/us-japan-myanmar-idUSBRE89117W20121002>.
- 32 Asia Times, October 3, 2012: http://www.atimes.com/atimes/Southeast_Asia/NJ03Ae02.html.

-
- 33 Forbes, October 5, 2012: <http://www.forbes.com/sites/simonmontlake/2012/10/05/myanmar-holds-promise-for-general-electric-as-u-s-eases-trade-sanctions/>.
- 34 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 35 Edmonton Journal and Associated Press, October 25, 2012:
<http://www.edmontonjournal.com/news/world/expert+hails+progress+Myanmar+says+serious+challenges+remain/7447396/story.html>.
- 36 Mysinchew.com, October 25, 2012: <http://www.mysinchew.com/node/79120>.
- 37 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 38 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 39 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 40 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 41 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 42 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 43 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 44 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 45 Congressional Research Service, October 19, 2012: www.fas.org/sgp/crs/row/R42363.pdf
- 46 New York Times, October 31, 2012: <http://rendezvous.blogs.nytimes.com/2012/10/31/as-violence-continues-rohingya-find-few-defenders-in-myanmar/>
- 47 Human Rights Watch, October 27, 2012: <http://www.hrw.org/news/2012/10/26/burma-new-violence-arakan-state>
- 48 Radio Free Asia, October 25, 2012: <http://www.rfa.org/english/news/burma/violence-10252012182913.html?searchterm=rohingya>
- 49 Id.
- 50 Reuters, October 26 2012: <http://www.reuters.com/article/2012/10/26/us-myanmar-violence-idUSBRE89P0VN20121026>
- 51 Id.
- 52 Id.
- 53 New York Times, October 31, 2012: <http://rendezvous.blogs.nytimes.com/2012/10/31/as-violence-continues-rohingya-find-few-defenders-in-myanmar/>
- 54 Id.
- 55 Id.
- 56 The Economist, October 20, 2012: <http://www.economist.com/news/asia/21564909-when-offending-muslim-world-seems-small-price-pay>

-
- 57 The Associated Press, October 15, 2012: <http://washingtonexaminer.com/myanmar-wont-allow-oic-to-open-liaison-office/article/feed/2038952>
- 58 The Wall Street Journal, November 2, 2012:
<http://online.wsj.com/article/SB10001424052970204707104578094500930170258.html?KEYWORDS=myanmar>
- 59 Human Rights Watch, October 27, 2012: <http://www.hrw.org/news/2012/10/26/burma-new-violence-arakan-state>
- 60 Id.
- 61 Reuters, October 4, 2012: <http://www.reuters.com/article/2012/10/04/us-myanmar-suukyi-idUSBRE8931LA20121004>
- 62 Myanmar Times, October 8, 2012: <http://www.mmtimes.com/index.php/opinion/2298-don-t-dodge-ethnic-grievances-daw-suu.html>
- 63 The Wall Street Journal, November 2, 2012:
<http://online.wsj.com/article/SB10001424052970204707104578094500930170258.html?KEYWORDS=myanmar>
- 64 Radio Free Asia, October 4, 2012: <http://www.rfa.org/english/news/burma/karen-10042012152054.html?searchterm=kachin>
- 65 Id.
- 66 Id.
- 67 Associated Press, October 19, 2012: <http://finance.yahoo.com/news/japan-group-gives-3m-aid-131517103.html>
- 68 Mizzima, October 19, 2012: <http://www.mizzima.com/news/inside-burma/8259-parliament-opens-session-on-thursday.html>
- 69 Mizzima, October 19, 2012: <http://www.mizzima.com/news/inside-burma/8259-parliament-opens-session-on-thursday.html>
- 70 Mizzima, October 22, 2012: <http://www.mizzima.com/news/inside-burma/8269-rule-of-law-committee-receiving-complaints.html>
- 71 Mizzima, October 22, 2012: <http://www.mizzima.com/news/inside-burma/8269-rule-of-law-committee-receiving-complaints.html>
- 72 Mizzima, October 22, 2012: <http://www.mizzima.com/news/inside-burma/8269-rule-of-law-committee-receiving-complaints.html>
- 73 U.S. Embassy Rangoon, Press Release: <http://photos.state.gov/libraries/burma/895/pdf/10-18-2012SecretaryBurnsPressStatementEng.pdf>
- 74 U.S. Embassy Rangoon, Press Release: <http://photos.state.gov/libraries/burma/895/pdf/10-18-2012SecretaryBurnsPressStatementEng.pdf>
- 75 Global Times, October 19, 2012: <http://www.globaltimes.cn/content/739415.shtml>