

Status of Human Rights and Sanctions in Myanmar

May 2013 REPORT

This report seeks to provide an overview of the developments in May 2013 that relate to the status of human rights in Myanmar. It also reviews the response of the international community to Myanmar's reform efforts.

I.International Community and Sanctions	2
II.Civil and Political Rights	2
A.Election-Related Laws and Acts	2
B.Press and Media Laws/Restrictions	3
C.Official Corruption.....	3
D.Miscellaneous	4
III.Governance and Rule of Law	4
IV.Political Prisoners	5
V.Economic Development	5
A.Developments in the Legal Framework of Economic Development.....	5
B.Developments in Foreign Investment and Economic Development Projects.....	6
C.Land Seizures.....	6
VI.Ethnic Violence.....	7
A.Kachin.....	7
B.Violence Against Muslims.....	7

I. International Community and Sanctions

Burmese President Thein Sein made a historic visit to the White House in May that reflects the increasingly accommodative stance of the U.S. toward Burma in light of its political and economic reforms.

After meeting at the White House with President Sein, a key U.S. Senator, minority leader Mitch McConnell, stated that he would not support the renewal of a law which allows the President to reinstate sanctions on Burma, including an import ban.¹ McConnell noted that a renewal of the law would be a "slap in the face" to reformists and would embolden those who want to slow or reverse the country's democratic changes.² Currently the U.S. has only suspended sanctions against Myanmar and McConnell—who has been a strong backer of the Burmese opposition—believes that if Congress does not renew the law the White House could not reinstate the import ban on Burmese products even if it chose to.³ Despite criticisms that this would reduce U.S. diplomatic leverage, McConnell noted that the still-in-place ban on the importation of Burmese gems would continue to provide the U.S. with diplomatic leverage.⁴ He also noted that without lifting the sanctions U.S. businesses would lose out on opportunities to competitors in other countries that already have lifted trade restrictions on Burma.⁵

President Sein's visit also resulted in a trade agreement between the U.S. and Burma. Although the details of the agreement were not released, it aims in part to "identify initiatives that support the ongoing reform program in Myanmar and promote inclusive development that benefits its people including the poorest segments of the population."⁶ Furthermore, earlier in May the U.S. lifted a sweeping ban on visas for Burmese officials in a move the State Department indicated was intended to "to strengthen and encourage further reform."⁷ This move lifts restrictions on traveling to the United States that had been applied to hundreds of military officers and other officials who were part of the country's military dictatorship, as well as their families.

The easing of EU sanctions on Burma proceeded as expected in May. Early in the month, the EU officially repealed all remaining asset freezes and financial sanctions against the country (implementing a decision already reached last month), thereby leaving in place only an arms embargo and embargo against the export to Burma of goods which might be used for internal repression (also technical assistance, financing or financial assistance in respect of such goods also remains prohibited).⁸ This means that outside these limited categories trade with Burma will not violate EU laws.

Myanmar also hosted a state visit by Japanese Prime Minister Shinzo Abe.⁹ During the visit, the Japanese government also continued to signal its strong commitment to its relationship with Myanmar, cancelling the remaining approximately \$1.75 billion in debt owed to it by Burma and extending a new \$628 million loan.¹⁰

II. Civil and Political Rights

A. Election-Related Laws and Acts

In advance of the country's 2015 election, there have been reports of public and private disputes undermining free and fair elections. The Myanmar Union Election Commission refused to approve the member registration of executive members of the Democracy and Human Rights party who identified themselves as Rohingya, an ethnic minority race.¹¹ The Election Commission has stated that it will not accept Rohingya in any submission, including party membership for the 2015 election, because the Rohingya are not on the list of ethnicities approved for national citizenship.

The National League of Democracy (NLD), Myanmar's leading opposition party, complained to the Election Commission that its 58 members in a village in Shan State were forced at gunpoint by a militia affiliated with Pao National Organization (PNO), an ethnic group, to resign from the party.¹² The incident arose after the PNO militia reportedly confiscated local villagers' land and the NLD worked to help people obtain their land back. The NLD requested protection from the government.

B. Press and Media Laws/Restrictions

Private newspapers, free to print dailies for the first time since 1964, face operational and legal struggles. For example, private newspapers are not able to cover certain state functions in-person, while their state-run counterparts are invited to cover state events.¹³

Moreover, censorship remains a critical issue. At a May 6, 2013 conference celebrating press freedom, Myanmar's Information Minister Aung Kyi stated that he envisions a "socially responsible" model of journalism rather than that of a "libertarian." While ambiguous, this statement hints at continued press censorship, which persists despite recent reforms.

The Central Supervisory Committee for Registration and Distribution of Printers and Publishers recently issued a series of warnings to private newspapers for unethical reporting, while state-run papers have not received warnings for publishing similar content.¹⁴ In one case, a private publication received a warning for revealing the name, address and photo of a rape victim, contravening the Myanmar Child Law. However, the state-run Myanmar Alin Daily has also published the names of rape victims without receiving warnings.

The Daily Eleven newspaper reported that trucks carrying its newspapers have been banned from passing through the highway between Yangon and Mandalay.¹⁵ The Daily Eleven had published an editorial criticizing the quality and standards of the highway after a bus accident on the road killed 11 people.

Myanmar's parliament is investigating a blogger known as "Dr. Seik Phwar," an anonymous critic of the government who posted articles with titles such as "Is parliament above the law?" on a blog entitled "Voice of Myanmar."¹⁶ An investigative commission of Parliament announced that it would reveal Dr. Seik Phwar's identity in the coming future.¹⁷

Media continues to suffer from self-censorship. Shawn Crispin, the Southeast Asia representative of the Committee to Protect Journalists, interviewed dozens of Burmese journalists and concluded that they censor themselves because some of the laws that were used in the past to imprison and prosecute journalists are still in effect.¹⁸ For example, ethnic journalists complain that they are unable to report freely on internal conflicts because of a ban on contact with “illegal organisations.”¹⁹ According to Crispin, the government is “effectively trying to create a situation where they hope journalists and newspapers will self-censor themselves for fear that they could lose their license. ... This is the new order of media control.”²⁰

Nevertheless, there have been some positive developments in the area of press freedom. In our March and April reports, we discussed the Printers and Publishers Registration Law, a bill that would bar publishers from printing articles that oppose and violate the military-drafted 2008 constitution and articles that could undermine “law and order and incite unrest.” Journalists in dialogue with the government over the bill recently reported that the government has been responsive to their concerns and has pledged to revise articles of the bill that give the Ministry of Information broad powers to grant and revoke publication licenses.²¹ On May 3, 2012, Reporters Without Borders released its annual list of “predators of freedom of information,” leaders who are “responsible for the worst abuses against the news media and journalists.”²² President Thein Sein was dropped from the list this year because jailed journalists have been freed and prior censorship has been reduced.

C. Official Corruption

Revenue Watch Institute, an American NGO, released a report ranking Myanmar as the worst country in the world in terms of natural resource governance.²³ The report assesses four components: the transparency and accountability of the institutional and legal setting; disclosure reporting practices; safeguards and quality controls guarding against conflicts of interest; and the broader enabling environment. The report noted that:

Almost no information is available on the management of the extractive sector. Myanmar has no freedom of information law, and environmental and social impact assessments are not required. Even experts and those working directly with policymakers know very little about the inner workings of the system. It is unclear which authority receives payments from extractive companies. It is widely assumed that corruption is rampant in the sector and that much of the country's resource revenues have been diverted to the foreign bank accounts of a few government officials.²⁴

Additionally, the government-owned Myanmar Oil and Gas Enterprise ranked second-to-last among state-owned companies.

The government reportedly granted dozens of tax-exempt car licenses to leaders of the ethnic minority rebel group Karen National Union (KNU).²⁵ Without the licenses, ethnic minorities without Burmese ID cards are unable to purchase cars on their own. With the government and the KNU engaged in peace talks amid violence between Myanmar and the Karen tribe, the move is seen by some to be bribery of the Karen leadership. The general

secretary of KNU said that all ethnic rebel groups who had signed ceasefire agreements with the government in the last year were granted car licenses.

A longstanding source of insidious corruption in Myanmar has been the country's education system. Underpaid public school teachers often solicit bribes from students for extra tutoring that guarantees passage through the school system.²⁶ On May 29, 2013 the Ministry of Education issued a directive warning school administrators that asking for cash donations from students is prohibited.²⁷ Primary school education is free and middle and high school students must pay for textbooks, school fees and parent-teacher association fees, which must be in an amount approved by the Ministry of Education.

Myanmar's Money Laundering Law, passed in 2002 by the military-run administration, is set to be amended.²⁸ While the current law prohibits illegally converting, transferring or concealing money obtained from corruption and illegal activities, it is considered ineffective and not well known.

D. Miscellaneous

While a Burmese NGO is organizing the country's first Internet Freedom Forum, Human Rights Watch ("HRW") expressed concern that surveillance and censorship of mobile phone users could grow as the country gears up for mobile phone network license auctions.²⁹ HRW encouraged various bidders to make public commitments regarding what they would do to avoid becoming complicit in human rights abuses.³⁰ Specifically, HRW encouraged telecommunications firms to press Burma's government to bring its telecommunications laws into compliance with international rights standards.³¹ Among HRW's concerns are that Burma's draft telecommunication law would allow for prison sentences of up to 15 years for Internet users who threaten law and order; stir up communal tensions; act against national security, national solidarity or the national economy; or share state secrets.³² Burmese officials have pledged to amend the draft to address these concerns.³³ Of course, given the level of competition for the licenses—more than 90 international companies and consortia have expressed interest³⁴—the Burmese government is unlikely to be pushed too hard by any companies.

Despite the overall opening up of relations between the U.S. and Burma, a U.S. government commission—the Commission on International Religious Freedoms (a bipartisan advisory board)—has recommended that Burma remain on a State Department blacklist of 15 governments in the world that are responsible for "systematic, ongoing, egregious violations of freedom of religion."³⁵ The repression identified by the report includes victims of various faith traditions, including Christian ethnic groups, Muslim minorities and some Buddhist monks involved in political activities.³⁶ The Commission expressed particular concern about treatment of the Rohingya.³⁷ However, these concerns did not prevent the significant easing of restrictions against Myanmar that took place in May described above.

III. Governance and Rule of Law

This month, a delegation of 25 Myanmar parliamentarians went on a 5-day visit to Singapore.³⁸ The trip is the first parliamentary exchange between Myanmar and Singapore.³⁹ In particular, the delegates hope to learn more about Singapore's model of governance, by meeting

with senior officials from Singapore's Ministry of Foreign Affairs, the Ministry of Trade, the Housing and Development Board, and other government agencies.⁴⁰ In addition, the trip will help broaden the relationship between Singapore and Myanmar.

On the legal front, Chief Justice of the Supreme Court, Tun Tun OO, recognized that the current legal system is in need of changes and reforms. The Chief Justice emphasized the importance of courts' independence and "has instructed all courts in all parts of the country to handle all legal cases in accord with legal procedures."⁴¹ He further noted that although the Supreme Court often receives complaint letters challenging the fairness of courts all over the country, the incompleteness of evidence makes it difficult for the Court to submit the complaints to the parliament for investigation.⁴²

The Chief Justice's concerns are echoed by legal experts' observations of Myanmar's court system. Despite Myanmar's progress in other areas, the judiciary system lags behind because it is still swayed and manipulated by the administrative pillar due to bribery and corruption.⁴³ This occurrence deviates from Section 11(A) of Myanmar's Constitution, which states: "The three branches of sovereign power namely; legislative power, executive power and judicial power are separated, to the extent possible, and exert reciprocal control, check and balance among themselves."⁴⁴ Moreover, the Rule of Law committee has received a total of 7,000 complaint letters, while the Judicial and Legal Affairs Committee received around 1600 letters.⁴⁵ Most of these complaint letters focus on the malfunction of courts, particularly on land confiscation issues.⁴⁶ In fact, Thein Nyunt, a member of the Rule of Law committee, stressed that "judges' ignorance of the stated laws need to be examined and disclosed," and that the "judiciary has to be changed."⁴⁷ A high court lawyer also opined that judicial corruption improved under the new civil government; however, further reform of the judicial system is still crucial.⁴⁸ Fortunately, legal reform is budding: the Rule of Law Committee recently reported to the parliament regarding the administrations' improper influence on the judiciary and it hopes to make the first step towards reform of the court system.⁴⁹

IV. Political Prisoners

Burma's President Thein Sein pardoned at least 20 political prisoners on Friday, May 17th. This move came just ahead of an historic visit to the United States that will showcase improved relations between Myanmar and the United States.⁵⁰ Additionally, Ye Aung, a member of the government's political prisoner scrutiny committee, indicated that more releases are expected, although he did not indicate how many.⁵¹ "It has become a pattern for prison amnesties to coincide with high-profile international or regional meetings as a way of highlighting the government's benevolent policies."⁵² For example, President Thein Sein pardoned 93 prisoners, including approximately 59 political prisoners, in April, just a day after the EU lifted sanctions against Burma.⁵³

Earlier in the month, a Burmese social activist who had previously been released as a political prisoner was forced to serve out the remainder of his prison sentence, highlighting the continuing threat to activists even as the country transforms its rule of law.⁵⁴ Nay Myo Zin was one of 591 political prisoners released under a presidential pardon in January 2012.⁵⁵ His release, however, like that of all former political prisoners, was conditional: "[a]ccording to

Burma's penal code, any former political prisoner who is convicted of another crime is required to serve not only his new prison sentence, but also the remaining years of his old, canceled sentence."⁵⁶ This incident stemmed from Nay Myo Zin's refusal to pay a fine of 20,000 kyat (US \$22) after being convicted of defaming a police officer.⁵⁷ Instead, he elected to serve a three-month prison sentence.⁵⁸ Subsequently, local farmers in the township where he was sentenced collectively paid the fine, but just before his release the district administrator announced that the Ministry of Affairs would require Nay Myo Zin to serve the remaining years of his old, canceled sentence, according to the penal code.⁵⁹

The secretary for the Association for Political Prisoners ("AAPP") released a press statement dated May 8, stating in part: "The case of Nay Myo Zin sends a strong message to thousands of released political prisoners who have similarly been released under Article 401 (1): you are not free. His sentence greatly harms the human rights of released political prisoners and their ability to openly and freely engage in democracy and the national reconciliation process."⁶⁰

V. Economic Development

A. Developments in the Legal Framework of Economic Development

This month, Myanmar announced plans that will boost its economic development and improve the ease of doing business. First, U Soe Thein, executive director of the Myanmar Securities Exchange Centre, stated at a May 7th seminar that the upcoming securities and exchange law will be enacted in July.⁶¹ In addition, the Central Bank of Myanmar signed a memorandum of understanding with Daiwa and the Tokyo Stock Exchange to establish a securities exchange.⁶² Central Bank's Deputy Governor, Maung Maung Win, confirmed that the proposed Yangon Stock Exchange is expected to be established by the end of 2015.⁶³ A stock market will be crucial for Myanmar's economic growth and will give local businesses an alternative to bank loans for financing.⁶⁴ However, there is another obstacle to a successful Myanmar stock market. Soe Thein estimated that only a few out of Myanmar's 50-some public companies are systematically organized enough to actually meet the operating standards of a typical stock exchange.⁶⁵

To increase trade and investment, the ministry of Commerce declared that it will assign nine high-ranking deputy directors and senior managers to the commercial affairs departments of Myanmar embassies in Belgium, China, Hong Kong, India, Japan, Singapore, South Korea and Thailand.⁶⁶ This move is expected to increase trade by 20%, up to US \$22 billion, for the current fiscal year. The ministry hopes to increase Myanmar's exposure to foreign markets and to encourage investment in Myanmar.⁶⁷ Consistent with this goal, the ministry also announced an upgrade of its data system this month, which allows it to more accurately identify and rank export amounts and values.⁶⁸

The Small and Medium Enterprise Development Bank stated that Myanmar will establish a Credit Information Bureau, which will allow banks to check borrowers' background for financial loans.⁶⁹ The bureau will play a crucial role in developing small and medium enterprises ("SME"). Following the implementation, banks are expected to finance up to 60% of the

collateral of SME's investors.⁷⁰ This is necessary for SMEs to obtain investors and financing, as currently, at least 90% of SMEs in industrial sectors fail due to inadequate financing.⁷¹

The President Office's Minister, Tin Naing Thein, stated that Myanmar is going to form a trade facilitation task force.⁷² The task force will facilitate communication and cooperation between government departments and the private sector.⁷³ The group will discuss suggestions and potential changes, and that information will be relayed to the corresponding government departments.⁷⁴ The departments will then publicize their reports in the newspaper and solicit public opinion on the proposed changes.⁷⁵ Through the new policy, Myanmar hopes to streamline the trade process, including the export and import procedures.⁷⁶

Additionally, Myanmar Pulses, Beans & Sesame Seeds Merchants Association proposed that the government open a commodity exchange center in Yangon.⁷⁷ The center will give businesses access to real-time information of export markets, accurately assess prices, and prevent frauds and verbal agreements in the beans market.⁷⁸ The center will be especially valuable, given the serious fluctuations in bean prices due to the lack of information and inaccurate calculation of prices.⁷⁹ Moreover, beans are one of Myanmar's most profitable exports, totaling over US \$110 million in the 2013-14 fiscal year.⁸⁰

B. Developments in Foreign Investment and Economic Development Projects

According to President Thein's May 12th speech, local and foreign investment in Myanmar increased fivefold in the 2012-13 fiscal year.⁸¹ In the past year, there has been over \$1.4 billion foreign direct investments, with the most investments coming from China, Hong Kong, Japan, South Korea and Singapore.⁸² Additionally, a recent report found that the Myanmar Investment Commission granted licenses to 33 foreign companies over the first four months of 2013, with investments totaling US \$815 million.⁸³ These figures confirm that Myanmar is experiencing great economic growth, especially on the foreign investment and trade front.

Japan strengthened ties with Myanmar when Japanese Prime Minister Shinzo Abe visited Myanmar and met with President Thein Sein this month, the first visit in 36 years by a Japanese prime minister.⁸⁴ During the visit, Prime Minister Abe emphasized that Japan is prepared to "support Myanmar's nation-building endeavours by extending all possible assistance from both the public and private sectors."⁸⁵ Specifically, Japan, which is Myanmar's biggest creditor, endorsed Myanmar's reform efforts by forgiving nearly \$2 billion in debt and extending a new \$51 billion loan agreement to Myanmar.⁸⁶ The new loan will be used for infrastructure improvements, electricity generation, and power generation.⁸⁷ Prime Minister Abe also attended the Myanmar-Japan Economic Forum, where he and other Japanese business leaders discussed Myanmar's economic development, touching on topics such as Myanmar's communications, transport, airport, industrial, power, insurance and water projects.⁸⁸ Japan's commitment to Myanmar facilitated a recent influx of Japanese business interest and activity in Myanmar. On May 25th, Myanmar and Japanese organizations signed an agreement to begin the first phase construction of the Thilawa Special Economic Zone ("SEZ").⁸⁹ Two other SEZs, Dawei and Kyaukpyu, are also in the works. In fact, Mitsubishi, Hitherto, and numerous other Japanese companies expressed interest in investing in these SEZs to build infrastructure and factories.

Moreover, three Japanese firms, Sumitomo, NEC and NTT Communications, finalized a telecommunication contract with Myanmar this month.⁹⁰ Under the contract, the three companies will build a high-speed network that links the cities of Yangon, Mandalay and Nay Pyi Taw, the three most populous cities in Myanmar, to the internet.⁹¹

The U.S. also saw improvements in its economic relationship with Myanmar. President Thein Sein made a state trip to the U.S., marking the first visit by a Myanmar leader in 47 years.⁹² A large portion of the meeting between the two presidents focused on Myanmar's economic progress. Particularly, President Obama stated that the U.S. wants to assist in Myanmar's reform, including "the prospect of increasing trade and investment in Myanmar, which can produce jobs and higher standards of living."⁹³ This month, the U.S. and Myanmar also signed a trade framework agreement.⁹⁴ According to the Office of the U.S. Trade Representative, the agreement will pave way for "ongoing dialogue and cooperation on trade and investment issues between the two governments."⁹⁵ In addition, the Myanmar-U.S. Trade Council announced that it established offices in Washington, D.C., New York City, and Yangon. The Council will encourage economic activities and investment between U.S. and Myanmar. According to Bart Fisher, the Chairman of the Council, the council's first task is "to remove the remaining U.S. economic sanctions on Myanmar, and to extend duty-free treatment in the United States for the imports of Myanmar under the Generalized System of Preferences."⁹⁶ The normalization of U.S.-Myanmar relations is increasing bilateral trade and activity. For instance, General Electric opened up an office in Yangon and expects its operations in Myanmar to double in the next year.⁹⁷ Additionally, Myanmar's garment factories will be making their first shipments to the U.S. in June 2013, because of an influx of orders from U.S. buyers following President Thein Sein's trip to the U.S.⁹⁸

Green Earth Power ("GEP"), a Thai company, signed a memorandum of understanding with Myanmar's Ministry of Electric Power to build a solar power plant in Myanmar, the first in the country.⁹⁹ When completed, the power plant will be the third largest of its type in the world.¹⁰⁰ GEP expects to sign the power purchase agreement with the Ministry of Electric Power within the next 90 days and to complete construction of the plant within 21 months.¹⁰¹ This project will significantly improve conditions in Myanmar: currently, only 26% of the country has access to electricity.

Germany is also helping its companies establish business presence in Myanmar. This month, the German Chambers of Commerce and Industry signed an agreement with the Union of Myanmar Federation of Chambers of Commerce to establish an office in Yangon.¹⁰² The new office is expected to open in 3 months, and will be the first European business representative office to open in Myanmar.¹⁰³ The new office will provide German and Myanmar companies with a forum to resolve difficulties and to facilitate business exchanges.¹⁰⁴ Increased German business activity in Myanmar is expected to follow, as German companies are showing interest in Myanmar's infrastructure projects, railways, and electricity supply.¹⁰⁵

As mentioned in the April report, the bidding war for Myanmar's telecommunications licenses is ongoing. Vodafone-China Mobile recently withdrew their joint bid for the two telecommunications licenses offered by Myanmar.¹⁰⁶ The final bids are due on June 3rd, while the two winners will be announced on June 27th.¹⁰⁷

C. Land Seizures

In May, there were several conflicts over the Myanmar government's seizure of farmland for the Thilawa SEZ, the joint venture mentioned earlier between Myanmar and Japan. Earlier in the year, authorities announced that some residents in the villages around the SEZ will be required to leave their homes.¹⁰⁸ On May 19th, 13 representatives of the farmers in Thanlyin met with the Deputy Minister for National Planning and Economic Development, Sett Aung, to discuss the 70,000 acres of farmland seized for the SEZ.¹⁰⁹ Because the project has yet to begin, the farmers requested that they be allowed to grow rice there in the meantime.¹¹⁰ The deputy minister did not reject the request, but did ask the farmers to get approval from the respective government departments.¹¹¹ The deputy minister also promised to give the farmers fair compensation for the seized land.¹¹² However, the Myanmar Navy later arrested and charged five farmers in Thanlyin's Alwan Sut village, because they continued to cultivate the disputed land after receiving the eviction notices.¹¹³ The farmers face serious charges, such as criminal trespass, obstruction, and abetting.¹¹⁴

Similar controversies surround the Myanmar–China pipeline project. To construct the 793-km pipeline, which will be completed by the end of May, the Myanmar government seized land from villagers to make room. According to the Myanmar-China Pipeline Watch Committee's report, only 0.0128% of the pipeline's budget was used as compensation for the seized land.¹¹⁵ In response, 400 villages on Manday Island protested the land seizure and demanded fair compensation for the land, improved roads and creation of jobs.¹¹⁶ Human Rights Watch also urged the government to drop its charges against 10 protestors who were arrested for their illegal, but peaceful, protest and who were scheduled to appear in court on May 13th.¹¹⁷

In the Bago region, farmers held a press conference on May 27th and accused a local entrepreneur and military officials of seizing their rubber plantations and farmlands.¹¹⁸ Specifically, the villagers allege that they confiscated and later sold the farmers' land, while the rightful owners of the land were framed and either sent to prison or forced to sign agreements.¹¹⁹ In one case, a farmer was sent to prison, while his plantation was seized and sold.¹²⁰ After he was released from prison, he was offered only 5 million kyats and forced to sign an agreement giving up the land.¹²¹ When the farmer refused to take 5 million kyats for his plantation worth 450 million kyats, he was threatened with additional prison time.¹²²

Fortunately, Myanmar may be progressing towards addressing the land seizure issues. On May 10th, the chairman of the National Economic and Social Advisory Council (NESAC), Tin Htut Oo, met with a group of activists to discuss their concerns over the increasingly common practice of land-grabbing.¹²³ The chairman noted that the lack of enforcement of land tenure laws is contributing to the problem and giving companies the opportunity to seize land and resources from ethnic communities.¹²⁴ He emphasized that Myanmar has existing laws to address land issues, and that "local authority should respect the rule of law."¹²⁵ The chairman further urged transparency, stating the Myanmar government should give local communities information about prospective investment projects, allow them a chance to weigh the costs and benefits, and let the

villagers voice their concerns.¹²⁶ During the meeting, activists¹²⁷ suggested that NESAC members should personally visit the sites of land seizure conflict and assess the situation.

VI. Ethnic Violence

A. Kachin

The Burmese government and ethnic rebels from the Kachin Independence Organization (“KIO”) have reached a seven-point ceasefire deal.¹²⁸ The deal is the culmination of eight rounds of talks over the past year-and-a-half.¹²⁹ Tens of thousands of civilians have been displaced by the violence, which has killed many since a ceasefire and 17 year long truce between the army and the KIO broke down in June of 2011.¹³⁰

The agreement, signed in the capital of Kachin state, includes working towards a ceasefire.¹³¹ The political status of Kachin will be the subject of subsequent talks and discussions.¹³² The KIO had originally wanted more than just a ceasefire – asking to bring in international monitors and start political negotiations on autonomy for the Kachin.¹³³ “The Burmese military was widely condemned late last year when it used air strikes and heavy artillery to bombard KIO positions. The KIO has been fighting for autonomy for more than half a century.”¹³⁴

B. Violence Against Muslims

Burma has struggled with religious unrest since June of 2012 when fighting between ethnic Rakhine Buddhists and Muslim Rohingya erupted in western Rakhine State. That was followed by Rakhine attacks on Rohingya communities in October that political rights groups claimed amounted to ethnic cleansing.¹³⁵

This month an outbreak of violence against Muslims in Lashio marks nearly a year of targeted attacks on Muslims in Burma.¹³⁶ The group Physicians for Human Rights (“PHR”) recently spent 10 days in central Burma investigating attacks on Muslim civilians.¹³⁷ The team interviewed 33 people, including 14 eyewitnesses, and compiled an account of the slaughter of approximately 20 children and four teachers in Meikhtila, Mandalay division.¹³⁸ PHR researchers obtained video footage showing Muslims beaten and burned to death, and confirmed the authenticity of these events with GPS, satellite mapping and eyewitness interviews.

Budhist mobs armed with sticks and machetes were seen burning Muslim homes on the second day of violence in Lashio, contradicting contemporaneous government assurances that soldiers had restored calm in the area. “Scores of young men and boys on motorbikes and on foot were seen marauding through the city. By early evening, shops and homes owned by Muslims were still burning in one quarter, underlining the difficulty President Thein Sein faces in containing mounting religious violence in an era of historic reforms since military rule ended in March 2011.”¹³⁹

1 The Voice of America News, May 22, 2013: <http://www.voanews.com/articleprintview/1665813.html>
2 The Voice of America News, May 22, 2013: <http://www.voanews.com/articleprintview/1665813.html>
3 The Voice of America News, May 22, 2013: <http://www.voanews.com/articleprintview/1665813.html>
4 The Voice of America News, May 22, 2013: <http://www.voanews.com/articleprintview/1665813.html>
5 The Voice of America News, May 22, 2013: <http://www.voanews.com/articleprintview/1665813.html>
6 UPI, May 22, 2013:
http://www.upi.com/Business_News/2013/05/22/US-Myanmar-sign-trade-framework-agreement/UPI-78931369198266/
7 The New York Times, May 2, 2013:
http://www.nytimes.com/2013/05/03/world/asia/us-lifts-visa-ban-on-officials-from-myanmar.html?_r=0
8 Mondaq, May 24, 2013:
<http://www.mondaq.com/x/241134/Marine+Shipping/EU+Lifts+Financial+Sanctions+Against+Myanmar+Burma>
9 Reuters, May 26, 2013: <http://www.reuters.com/article/2013/05/26/us-myanmar-japan-idUSBRE94P04M20130526>
10 Today Online, May 27, 2013: <http://www.todayonline.com/world/asia/japan-gives-myanmar-s628m-loan-forgives-debt>
11 Eleven Myanmar, May 19, 2013:
<http://www.elevenmyanmar.com/national/3548-election-commission-refuses-rohingya-applicants>.
12 Eleven Myanmar, May 24, 2013:
<http://www.elevenmyanmar.com/national/3525-pao-armed-troops-surrounded-nld-s-office-near-taunggyi>; The Irrawaddy,
May 23, 2013: <http://www.irrawaddy.org/archives/35370>; Eleven Myanmar, May 17, 2013:
<http://www.elevenmyanmar.com/national/3525-pao-armed-troops-surrounded-nld-s-office-near-taunggyi>.
13 Eleven Myanmar, May 22, 2013:
<http://elevenmyanmar.com/politics/3602-monopolistic-state-run-newspapers-new-moves-create-competitive-market-with-private-newspapers>.
14 Eleven Myanmar, May 3, 2013:
<http://elevenmyanmar.com/politics/3321-press-watch-body-takes-no-action-against-state-run-newspapers-for-ethical-violations>.
15 Eleven Myanmar, May 28, 2013:
<http://elevenmyanmar.com/national/3680-authorities-ban-trucks-carrying-the-daily-eleven-newspapers-on-yangon-mandalay-highway>.
16 Mizzima, April 24, 2013:
<http://www.mizzima.com/news/inside-burma/9273-mystery-identity-of-dr-seik-phwar-to-be-unveiled.html>.
17 Eleven Myanmar, May 21, 2013: <http://elevenmyanmar.com/politics/3577-parliament-to-reveal-mysterious-blogger-s-id>.
18 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33531>.
19 The Myanmar Times, May 13, 2013:
<http://www.mmtimes.com/index.php/national-news/6699-calls-for-media-law-to-protect-minorities.html>.
20 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33531>.
21 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33540>.
22 Reporters Without Borders, May 3, 2013: http://en.rsf.org/world-press-freedom-day-03-05-2013_44560.html.
23 Revenue Watch Institute, May 8, 2013: <http://www.renewwatch.org/rgi/report>.
24 Revenue Watch Institute, May 8, 2013: <http://www.renewwatch.org/countries/asia-pacific/myanmar/overview>.
25 The Irrawaddy, May 27, 2013: <http://www.irrawaddy.org/archives/35543>.
26 See, e.g., Mizzima, April 18, 2011:
<http://www.mizzima.com/business/corruption-in-burma/5152-corruption-in-burma-part-iv-education-and-the-power-of-money.html>
27 Eleven Myanmar, May 29, 2013:
<http://elevenmyanmar.com/national/3709-authorities-warn-schools-against-forcible-cash-donations-in-enrolment>.
28 Eleven Myanmar, May 30, 2013:
<http://www.elevenmyanmar.com/politics/3724-control-of-money-laundering-law-now-in-place-for-amendment>.
29 The Irrawaddy, May 20, 2013: <http://www.irrawaddy.org/archives/34997>
30 The Irrawaddy, May 20, 2013: <http://www.irrawaddy.org/archives/34997>
31 The Irrawaddy, May 20, 2013: <http://www.irrawaddy.org/archives/34997>
32 The Irrawaddy, May 20, 2013: <http://www.irrawaddy.org/archives/34997>
33 The Irrawaddy, May 20, 2013: <http://www.irrawaddy.org/archives/34997>
34 Eleven Media Group, May 22, 2013:
<http://elevenmyanmar.com/national/science-tech/3597-myanmar-s-first-internet-freedom-forum-to-be-held-in-yangon>
35 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33508>
36 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33508>
37 The Irrawaddy, May 2, 2013: <http://www.irrawaddy.org/archives/33508>
38 Vietnam plus, May 22, 2013:
<http://en.vietnamplus.vn/Home/First-Myanmar-parliamentarians-visit-Singapore/20135/34720.vnplus>
39 *Id.*
40 *Id.*
41 Eleven Myanmar, May 25, 2013:
<http://elevenmyanmar.com/politics/3636-all-courts-in-myanmar-urged-to-lawfully-deal-with-cases>
42 *Id.*
43 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3681-poor-functions-of-myanmar-judiciary-remains-unchanged>
44 *Id.*
45 *Id.*
46 *Id.*
47 *Id.*

48 *Id.*
49 *Id.*
50 The Huffington Post, May 17, 2013,
http://www.huffingtonpost.com/2013/05/17/myanmar-pardons-political-prisoners_n_3292172.html?utm_hp_ref=world
51 *Id.*
52 *Id.*
53 *Id.*
54 The Irrawaddy, May 8, 2013, <http://www.irrawaddy.org/archives/34012>
55 *Id.*
56 *Id.*
57 *Id.*
58 *Id.*
59 *Id.*
60 The Asian Correspondent, May 9, 2013,
<http://asiancorrespondent.com/107422/ex-political-prisoners-rearrest-challenges-legal-topic-in-burma/>
61 Myanmar Times, May 13, 2013:
<http://www.mmtimes.com/index.php/business/6735-securities-law-seen-as-big-step-to-exchange.html>
62 Myanmar Times, May 13, 2013:
<http://www.mmtimes.com/index.php/business/6735-securities-law-seen-as-big-step-to-exchange.html>
63 The Irrawaddy, May 29, 2013: <http://www.irrawaddy.org/archives/35833>
64 The Irrawaddy, May 29, 2013: <http://www.irrawaddy.org/archives/35833>
65 Eleven Myanmar, May 30, 2013:
<http://www.elevenmyanmar.com/business/3721-handful-myanmar-s-companies-meet-stock-exchange-requirements-security-expert>
66 Myanmar Times, May 6, 2013:
<http://www.mmtimes.com/index.php/business/6654-trade-envoys-sent-to-major-markets.html>
67 Myanmar Times, May 6, 2013:
<http://www.mmtimes.com/index.php/business/6654-trade-envoys-sent-to-major-markets.html>
68 Myanmar Times, May 6, 2013:
<http://www.mmtimes.com/index.php/business/6654-trade-envoys-sent-to-major-markets.html>
69 Eleven Myanmar, May 19, 2013: <http://elevenmyanmar.com/business/3556-credit-information-bureau-to-be-formed>
70 Eleven Myanmar, May 19, 2013: <http://elevenmyanmar.com/business/3556-credit-information-bureau-to-be-formed>
71 Eleven Myanmar, May 19, 2013: <http://elevenmyanmar.com/business/3556-credit-information-bureau-to-be-formed>
72 Eleven Myanmar, May 22, 2013: <http://elevenmyanmar.com/business/3600-myanmar-to-form-trade-facilitation-force>
73 Eleven Myanmar, May 22, 2013: <http://elevenmyanmar.com/business/3600-myanmar-to-form-trade-facilitation-force>
74 Eleven Myanmar, May 22, 2013: <http://elevenmyanmar.com/business/3600-myanmar-to-form-trade-facilitation-force>
75 Eleven Myanmar, May 22, 2013: <http://elevenmyanmar.com/business/3600-myanmar-to-form-trade-facilitation-force>
76 Eleven Myanmar, May 22, 2013: <http://elevenmyanmar.com/business/3600-myanmar-to-form-trade-facilitation-force>
77 Eleven Myanmar, May 26, 2013:
<http://www.elevenmyanmar.com/business/3649-yangon-to-open-commodity-exchange-centre>
78 Eleven Myanmar, May 26, 2013:
<http://www.elevenmyanmar.com/business/3649-yangon-to-open-commodity-exchange-centre>
79 Eleven Myanmar, May 26, 2013:
<http://www.elevenmyanmar.com/business/3649-yangon-to-open-commodity-exchange-centre>
80 Eleven Myanmar, May 30, 2013:
<http://www.elevenmyanmar.com/business/3715-myanmar-gets-nearly-us-300-million-from-agricultural-exports>
81 The Irrawaddy, May 13, 2013: <http://www.irrawaddy.org/archives/34427>
82 The Irrawaddy, May 13, 2013: <http://www.irrawaddy.org/archives/34427>
83 Eleven Myanmar, May 19, 2013:
<http://www.elevenmyanmar.com/business/3541-investment-commission-approves-33-companies-in-first-quarter>
84 The Nation, May 30, 2013:
<http://www.nationmultimedia.com/opinion/Japan-uses-aid-to-boost-presence-in-Myanmar-30207151.html>
85 The Nation, May 30, 2013:
<http://www.nationmultimedia.com/opinion/Japan-uses-aid-to-boost-presence-in-Myanmar-30207151.html>
86 Today Online, May 27, 2013: <http://www.todayonline.com/world/asia/japan-gives-myanmar-s628m-loan-forgives-debt>
87 Today Online, May 27, 2013: <http://www.todayonline.com/world/asia/japan-gives-myanmar-s628m-loan-forgives-debt>
88 Eleven Myanmar, May 25, 2013:
<http://www.elevenmyanmar.com/business/3639-japanese-prime-minister-attends-myanmar-japan-economic-forum>
89 Eleven Myanmar, May 27, 2013:
<http://elevenmyanmar.com/business/3657-construction-of-thilawa-sez-to-begin-in-october>
90 Eleven Myanmar, May 24, 2013:
<http://www.elevenmyanmar.com/business/3620-sumitomo-nec-ntt-to-build-telecom-network-in-myanmar>
91 Eleven Myanmar, May 24, 2013:
<http://www.elevenmyanmar.com/business/3620-sumitomo-nec-ntt-to-build-telecom-network-in-myanmar>
92 Bloomberg News, May 20, 2013:
<http://www.bloomberg.com/news/2013-05-20/obama-lauds-myanmar-s-progress-as-opening-economic-opportunities.html>
93 Bloomberg News, May 20, 2013:
<http://www.bloomberg.com/news/2013-05-20/obama-lauds-myanmar-s-progress-as-opening-economic-opportunities.html>
94 UPI, May 22, 2013:
http://www.upi.com/Business_News/2013/05/22/US-Myanmar-sign-trade-framework-agreement/UPI-78931369198266/

95 UPI, May 22, 2013:
http://www.upi.com/Business_News/2013/05/22/US-Myanmar-sign-trade-framework-agreement/UPI-78931369198266/

96 Herald Online, May 20, 2013:
<http://www.heraldonline.com/2013/05/20/4877347/myanmar-united-states-trade-council.html>

97 Myanmar Times, May 23, 2013:
<http://www.mmtimes.com/index.php/national-news/6856-ge-to-double-domestic-interests.html>

98 Eleven Myanmar, May 27, 2013: <http://elevenmyanmar.com/business/3667-myanmar-to-start-garment-export-to-us-in-june>

99 The Nation, May 4, 2013:
<http://www.nationmultimedia.com/business/Green-Earth-Power-to-develop-Myanmars-first-solar--30205371.html>

100 The Nation, May 4, 2013:
<http://www.nationmultimedia.com/business/Green-Earth-Power-to-develop-Myanmars-first-solar--30205371.html>

101 The Nation, May 4, 2013:
<http://www.nationmultimedia.com/business/Green-Earth-Power-to-develop-Myanmars-first-solar--30205371.html>

102 Myanmar Times, May 6, 2013: <http://www.mmtimes.com/index.php/business/6658-german-firms-on-the-move.html>

103 Myanmar Times, May 6, 2013: <http://www.mmtimes.com/index.php/business/6658-german-firms-on-the-move.html>

104 Myanmar Times, May 6, 2013: <http://www.mmtimes.com/index.php/business/6658-german-firms-on-the-move.html>

105 Myanmar Times, May 6, 2013: <http://www.mmtimes.com/index.php/business/6658-german-firms-on-the-move.html>

106 Bloomberg News, May 31, 2013:
<http://www.bloomberg.com/news/2013-05-31/vodafone-china-mobile-withdraw-bid-for-myanmar-telecom-licenses.html>

107 Bloomberg News, May 31, 2013:
<http://www.bloomberg.com/news/2013-05-31/vodafone-china-mobile-withdraw-bid-for-myanmar-telecom-licenses.html>

108 Eleven Myanmar, May 20, 2013:
<http://www.elevenmyanmar.com/business/3570-thilawa-economic-zone-s-70-000-acres-to-be-farmed>

109 Eleven Myanmar, May 20, 2013:
<http://www.elevenmyanmar.com/business/3570-thilawa-economic-zone-s-70-000-acres-to-be-farmed>

110 Eleven Myanmar, May 20, 2013:
<http://www.elevenmyanmar.com/business/3570-thilawa-economic-zone-s-70-000-acres-to-be-farmed>

111 Eleven Myanmar, May 20, 2013:
<http://www.elevenmyanmar.com/business/3570-thilawa-economic-zone-s-70-000-acres-to-be-farmed>

112 Eleven Myanmar, May 20, 2013:
<http://www.elevenmyanmar.com/business/3570-thilawa-economic-zone-s-70-000-acres-to-be-farmed>

113 Myanmar Times, May 27, 2013:
<http://www.mmtimes.com/index.php/national-news/yangon/6887-police-charge-thanlyin-farmers.html>

114 Myanmar Times, May 27, 2013:
<http://www.mmtimes.com/index.php/national-news/yangon/6887-police-charge-thanlyin-farmers.html>

115 Energy Tribune, May 6, 2013:
<http://www.energytribune.com/76512/chinas-myanmar-pipeline-drama-continues-to-unfold#sthash.e0bOMBHt.q1414Xta.dpbs>

116 Reuters, May 11, 2013: <http://www.reuters.com/article/2013/05/11/myanmar-pipeline-idUSL3N0DS03C20130511>

117 Human Rights Watch, May 11, 2013: <http://www.hrw.org/news/2013/05/11/burma-china-led-oil-gas-projects-spark-arrests>

118 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3684-farmers-cry-foul-over-land-confiscations-in-bago-region>

119 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3684-farmers-cry-foul-over-land-confiscations-in-bago-region>

120 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3684-farmers-cry-foul-over-land-confiscations-in-bago-region>

121 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3684-farmers-cry-foul-over-land-confiscations-in-bago-region>

122 Eleven Myanmar, May 28, 2013:
<http://www.elevenmyanmar.com/national/3684-farmers-cry-foul-over-land-confiscations-in-bago-region>

123 The Irrawaddy, May 12, 2013: <http://www.irrawaddy.org/archives/34337>

124 The Irrawaddy, May 12, 2013: <http://www.irrawaddy.org/archives/34337>

125 The Irrawaddy, May 12, 2013: <http://www.irrawaddy.org/archives/34337>

126 The Irrawaddy, May 12, 2013: <http://www.irrawaddy.org/archives/34337>

127 The Irrawaddy, May 12, 2013: <http://www.irrawaddy.org/archives/34337>

128 BBC, May 30, 2013, <http://www.bbc.co.uk/news/world-asia-22716088>

129 *Id.*

130 *Id.*

131 *Id.*

132 *Id.*

133 *Id.*

134 *Id.*

135 The Independent, May 29, 2013,
<http://www.independent.co.uk/news/world/asia/muslim-homes-burned-by-buddhist-gangs-on-second-day-of-attacks-in-burma-8636543.html>

136 Democratic Voice of Burma, May 30, 2013,
<http://www.dvb.no/analysis/burma-must-take-steps-to-quell-ethnic-violence/28541>

137 *Id.*

138 *Id.*

The Independent, May 29, 2013,

<http://www.independent.co.uk/news/world/asia/muslim-homes-burned-by-buddhist-gangs-on-second-day-of-attacks-in-burma-8636543.html>