

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JUNE 2013 REPORT

Summary. This report reviews June, 2013 developments relating to human rights in Myanmar. It further addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

I.	International Community, Economy, Sanctions	2
II.	Civil and Political Rights.....	3
A.	Election-Related Laws and Acts	3
B.	Press and Media Laws / Censorship.....	3
C.	Official Corruption	4
D.	Miscellaneous.....	5
III.	Governance and Rule of Law.....	6
IV.	Political Prisoners	7
V.	Economic Development	8
A.	Developments in the Legal Framework of Economic Development.....	8
B.	Developments in Foreign Investment and Economic Development Projects	9
C.	Land Seizures.....	10
VI.	Ethnic Violence.....	11
A.	Karenni.....	11
B.	Kachin	11
C.	Violence Against Muslims	11

I. International Community, Economy, Sanctions

In June, Myanmar hosted its first ever World Economic Forum (“WEF”) on East Asia, hosting over 900 executives from across the world in its capital Naypyidaw.¹ See also below. The WEF holds annual regional meetings for several regions of the world. The East Asia meeting has recently been hosted by other developing countries such as Vietnam. The Myanmar meeting aimed, amongst other things, at ensuring that local Myanmar businesses did not become the “victims” of increasingly intense foreign competition spurred by foreign investment in the country’s economy.² The meeting was also notable for the debate it included on Myanmar’s future, between Aung San Suu Kyi and a member of the President’s staff, Union Minister Soe Thein.

In a speech to the WEF, President Thein Sein emphasized the importance of continued integration of Myanmar into its region and the international community.³ He stressed that Myanmar’s chairmanship in ASEAN next year will be critical not only to ASEAN but also to the country.

On the sidelines of the WEF, an Energy Summit was held in which the WEF launched a report on a new energy architecture for Myanmar which it developed in collaboration with Accenture and the Asian Development Bank.⁴ The report, which took a long-term 20 to 30 year perspective, focused on the need for Myanmar’s policymaker to ensure a balance between domestic energy development and an international focus on export markets and imported expertise.⁵

Notably, the WEF meeting had minimal Chinese participation. Such absence may underscore Myanmar’s concerns about excessive Chinese involvement in its affairs, notwithstanding continuing major investments in Myanmar by China.⁶ This concern, and Myanmar’s opening to the West, has led to a sharp fall in Chinese investment in the country. Such investment has fallen from over \$8 billion in the 12 months ending March of 2011, to over \$4 billion through March 2012, to \$407 million in the 12 months ending March, 2013.⁷

Another event in June, 2013 dealt with past violations of the Myanmar sanctions regime imposed by the United States. The Bank of Tokyo Mitsubishi-UFJ bank was fined \$250 million for facilitating money transfers between 2002 through 2007, by stripping identifying information relating to over \$100 billion of payments involving sanctioned countries, including Myanmar.⁸ Although notable, given the relaxation of sanctions on Myanmar this should be seen more as a compliance issue for the bank than as a political issue relating to the current opening of Myanmar. Similarly, on July 2, 2013, the United States Treasury’s Office of Foreign Assets Control added Lieutenant General Thein Htay to its list of sanctioned individuals (*i.e.*, its list of “Specially Designated Nationals and Blocked Persons”). See prior STB reports re additional background on individually targeted sanctions. Htay is listed as Chief of Defense Industries and Chief of Army Ordinance Industries.

II. Civil and Political Rights

A. Election-Related Laws and Acts

Opposition leader Aung San Suu Kyi told international press at the World Economic Forum (see above) that she wants to run for president in the 2015 election.⁹ However, Myanmar's current constitution, adopted in 2008 (immediately prior to major reform), bars anyone who has a spouse or child who is a foreign citizen from running for president or vice president. Suu Kyi was married to a British citizen and has two sons who are British citizens, so she is currently disqualified from running for the presidency.

Amending the constitution to allow Suu Kyi to run will be difficult before the 2015 election. A constitutional amendment requires the vote of 75 percent of parliament and 50 percent of voters in a referendum.¹⁰ Parliament is currently controlled by the Union Solidarity and Development Party ("USDP") and 25 percent of parliamentary seats are constitutionally reserved for the military. Even if those significant hurdles were cleared, there may not be enough time for a national referendum before the election.¹¹

Additionally, the USDP has pushed for the adoption of a proportional representation ("PR") in the 2015 election. In our April report, we discussed the debate between Myanmar's current first-past-the-post ("FPTP") voting system, in which the party with the largest number of votes wins almost all the seats available, and PR, in which parties are allocated parliamentary seats according to the proportion of votes they receive. FPTP voting tends to engender two-party political systems as voters vote strategically for parties most likely to capture a majority, whereas PR tends to produce coalition governments where it is difficult for a single party to obtain an absolute majority. In June, the Union Election Commission urged parliament to discuss a change to FPTP for the 2015 election, and a USDP party leader with close ties to President Thein Sein said that his party would probably support the change.¹² Critics have speculated that the USDP supports a switch to PR because the party stands to lose a large number of seats to Suu Kyi's National League of Democracy Party ("NLD") under FPTP voting.¹³ According to an NLD leader, "The main intention is to weaken the strong parties, including the NLD. . . . The NLD had a landslide victory in 1990, and again in the by-election. Bluntly speaking, [the PR system] is a punch to the NLD."¹⁴

Suu Kyi and the NLD are discussing other constitutional amendments. Suu Kyi met with leaders of ethnic minority political parties on June 18th to discuss imperative changes to the constitution.¹⁵ First and most immediately, the group wants to eliminate contradictory provisions.¹⁶ Second, the group wants to implement a federal system, whereby local governments would handle local matters. Such a system would allow larger ethnic minority regions a greater degree of autonomy to self-govern.¹⁷ See below (re ethnic minorities). Third, the group agreed to oppose PR.¹⁸

B. Press and Media Laws / Censorship

Earlier this month, the Chairman and CEO of Eleven Media Group, Than Htut Aung, was awarded the Golden Pen of Freedom award at a Bangkok world press congress.¹⁹ For years, the media group urged for government accountability and transparency, despite threats of death

sentences and prison terms against its staff members.²⁰ Erik Bjerager, president of World Editors Forum, awarded Aung and praised the group for resisting “heavy government pressure and the ever-present censor’s pen.”²¹ However, days later, the media group was the victim of a cyber-attack, the third targeting it this year.²² A group called Blink Hacker Group defaced Eleven Media’s English website and accused the Eleven Media Group of publishing slanderous articles about the government.²³ Eleven Media’s chief editor, Zaw Ye Naung, condemned the attack as “a major threat to the independent media in Myanmar.”²⁴ The origin, composition, and true motivation of the hacker group are to be determined.

At a press conference this month, the Deputy Minister of the Information Ministry, Ye Htut, presented the Public Service Media (“PSM”) bill as bringing up to date “true and reliable news along with editorial independence.”²⁵ The PSM will transform state-owned newspapers into independent public service media.²⁶ However, members of the Interim Press Council (“IPC”) criticized the PSM as “a commercial project rather than legislation designed to support the media.”²⁷ In particular, the IPC disagrees with PSM’s ability to use 70 percent of the public finance to fund the expenses of newspaper distribution, because it would disadvantage privately owned media.²⁸ Other Myanmar journalists expressed similar skepticism and opined that the PSM is simply the government’s mouthpiece.²⁹

This month, lawmakers will receive the final draft of the Printers and Publishers Registration Law.³⁰ This new law will replace an old act that required “all publications to register with and submit copies to the former military regime’s censorship board, which was disbanded this year.”³¹ The previous draft of this law would give the Ministry of Information broad powers to grant and revoke publication licenses for offenses such as “disturbing the rule of law,” “inciting unrest” or “violating the Constitution.”³² The ambiguity of such aforementioned draft language would presumably facilitate censorship and broad media control by the government. In contrast, the updated draft is expected to benefit reporters, as publications would no longer need to register with the ministry for copyrights and registration.³³

The Myanmar government recently banned an issue of Time magazine because of its controversial cover story on a Buddhist monk.³⁴ The magazine cover carries a photo of the monk, Wirathu, and is captioned “The Face of Buddhist Terror.” The magazine also accused Wirathu of fuelling religious conflict in Myanmar. See “Violence Against Muslims”, below. In response, the President’s Office released a statement denouncing the article as “detrimental to the trust building between religions in Myanmar, and damage[s] the image of Buddhism which has been the main religion of Myanmar for thousands of years.”³⁵

C. Official Corruption

At a workshop organized by Transparency International, Vice President Dr. Sai Mauk Kham acknowledged the culture of corruption in Myanmar, noting that “Myanmar has become one of the poorest countries in the world and it has not yet seen huge investment flow due to the country’s corruption.”³⁶ He urged for transparency and accountability, and emphasized the importance of addressing economic and political corruption.³⁷ In stark contrast, President Thein Sein failed to mention corruption when he addressed a ceremony relating to “Rural Region Development and Socio-Economic Improvement”. The President’s omission of the issue was

made more glaring by his extensive treatment of other problems facing Myanmar, such as poverty and the need for economic reform.³⁸

Myanmar is manifestly rich with natural resources, including gas, crude oil, and timber. However, these natural resource intensive industries are generally plagued by corruption. According to the Asia Society, a non-profit organization, the Myanmar government has committed to crack down on corruption and impose stricter environmental standards, through the renegotiation of billions of dollars' worth of natural resource agreements.³⁹ Such renegotiations are expected to have the greatest impact on military-owned enterprises and Chinese companies as such entities are alleged to have been party to numerous irregular transactions struck under the former government.⁴⁰ See above re foreign investment, sanctions, military.

June, 2013 also gave rise to new corruption allegations from farmers. Several alleged that they were forced to pay nearly 100,000 Kyat in bribes to local authorities in order to obtain agricultural loans.⁴¹ Such corrupt practices appear to be a widespread, according to the report, as farmers from different regions have complained that unless they pay the bribes, local officials will refuse to sign the crucial papers for loans.⁴²

Villagers in the Mandalay Region's Thabeikkyin Township also filed a complaint against their local administrator.⁴³ Specifically, they alleged that the local administrator has collected 1000 Kyat from each household since 2005 as a condition for the village's receipt of electricity, but kept the money for himself.⁴⁴ The villagers also alleged that he sold electricity from the village's turbine to other residents.⁴⁵

D. Miscellaneous

Myanmar's state-run human rights commission announced in June that it is pushing for the government to adopt two major United Nations treaties on civil, political and economic rights. The proposed UN treaties are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. "Our country is changing fast in all aspects. As a democratic nation, we need to follow human rights. As a result of that our commission considers that our country should sign the treaties," said Win Mara, Chairman of the Myanmar National Human Rights Commission.⁴⁶ See below.

Three Rangoon-based human rights activists also reported in June that Sagaing Division authorities want to arrest them because they spoke out against the government's treatment of farmers who oppose the Letpadaung copper mine in northwestern Burma.⁴⁷ Wai Lu and Wai Hmuu Twin of the Yangon People Service Network and Generation Wave activist Moe Thway said Sagaing Division authorities had accused them on June 13 of making statements with the intent of "alarming" the public or inducing someone to commit an offence against the government.⁴⁸ "If they come for us we are not going to run," Wai Lu told reporters during a press conference held at the 88 Generation Students office in Rangoon. "I was just told this morning that police were on the way to arrest us," he added.⁴⁹

A Burmese court has imprisoned two Muslim women for sparking communal violence earlier this year in the town of Okkan, approximately 100 kilometers from Rangoon. This is the latest conviction of minority Muslims during a period in which Buddhist suspects accused of

analogous or more serious crimes have yet to face trial. See below re “Violence Against Muslims”. The two women were blamed for fomenting violence in April after they were involved in an altercation with a Buddhist monk. The altercation angered local Buddhists and triggered anti-Muslim rioting in the town. One Muslim man was killed and nine were injured in the unrest, while 81 homes and a mosque were burned to the ground. See below. The court gave each of the two women a sentence of two years in jail and hard labor.⁵⁰

III. Governance and Rule of Law

As noted above, the state-run Myanmar National Human Rights Commission announced in June that it would lobby the government to adopt two major U.N. treaties.⁵¹ Again, the proposed treaties are (1) the International Covenant on Civil and Political Rights and (2) the International Covenant on Economic, Social and Cultural Rights.⁵² The Chairman of the commission stated that as a democratic nation, Myanmar needs to respect human rights and sign them.⁵³ In addition, the commission also submitted a bill to President Thein Sein to approve it as an independent body, which would allow the commission to receive national budget.⁵⁴

A new proposal was also submitted to Parliament to abolish Section 18 of the Peaceful Assembly and Procession Law.⁵⁵ Many activists and peaceful protestors have been charged under Section 18, and frequently received disproportionate or severe punishment, including one year prison terms for first offenders.⁵⁶ Moreover, it has been noted that Section 18 may be in conflict with Section 354(b) of the Constitution, which gives every citizen the “liberty to hold assembly and procession peacefully without arms, if it is not contrary to the laws, peace and tranquility.”⁵⁷

Myanmar is also on track to approve a new central bank law next month, which would allow the bank to become an independent body capable of playing a principal role in the economy.⁵⁸ Currently, Myanmar’s governmental bank is just a department of the finance ministry.⁵⁹ The new law will empower the bank to “adjust monetary conditions independently, stop . . . financing the government’s debts, and appoint . . . external experts to participate in the policy-setting process.”⁶⁰ As part of this reform, the central bank would be headed by a board with four committees: (1) monetary policy; (2) financial stability; (3) payment systems; and (4) foreign exchange management.⁶¹ However, experts note that the bank will require additional skilled professionals and its own financial policy in order to be effective and “play a key role in handling [the] foreign currency exchange market”.⁶²

June 2013 also witnessed several other significant developments on the legal front. First, Myanmar will amend the 1988 Law relating to the Forming of Organizations.⁶³ This reform will streamline corporate registration formalities, and allow politicians and government officials to participate in NGOs, a practice that was previously banned.⁶⁴ A goal of this update is to encourage the presence of more NGOs in Myanmar.⁶⁵ Second, the Ministry of Hotel and Tourism announced plans to revise the 1992 tourism law.⁶⁶ In particular, the law will “streamline licensing procedures for hotels, restaurants, and tour guides.”⁶⁷ Third, the Parliament will soon consider new legislation to establish a council to accredit engineers.⁶⁸ According to the president of the Myanmar Engineering Society, the proposed legislation will help “produce internationally accredited engineers and . . . establish a professional code, standards and practices for them.”⁶⁹

Also, at a public meeting in June, Daw Aung San Suu Kyi observed that the absence of rule of law is hampering foreign investment in Myanmar, because there is no guarantee that foreign investments and businesses will not be stolen or confiscated, respectively.⁷⁰ See also below. She stressed that a reliable rule of law is vital to the country's development.⁷¹ In addition, she urged that taxes to be levied and collected according to law. Otherwise, where tax dollars do not ultimately benefit the people, foreign investors will be reluctant to contribute.⁷²

IV. Political Prisoners

Historically, Myanmar has denied the existence of political prisoners, maintaining that all people sentenced to jail have been convicted of legitimate illegal acts.⁷³ Nevertheless, since assuming power, President Thein Sein has pardoned or granted amnesty to more than 850 political prisoners.⁷⁴ Further, during a monthly radio address on June 4, 2013, President Thein Sein said that any prisoners serving jail time for holding, expressing or acting in accord with political beliefs would be set free "soon," although he did not provide a timetable and added that individuals who were found guilty of committing violent crimes for political reasons should serve their sentences.⁷⁵

The prisoner releases since 2012 have generally occurred near the time of a major political development between Myanmar and the United States or European Union.⁷⁶ Most recently, on May 17, 2013, the Myanmar government freed 23 political prisoners, days before President Thein Sein's visit to the United States.⁷⁷ On April 23, 2013, President Thein Sein granted amnesty to 59 political prisoners, just one day after the European Union lifted sanctions against Myanmar.⁷⁸ This pattern of prisoner releases is causing some concern at the State Department and among human rights activists that Myanmar is using political prisoners as political pawns.⁷⁹

Although some political prisoners have been granted pardons and amnesties, the Myanmar government reportedly continues to arrest and detain new political prisoners for alleged illegal activities.⁸⁰ According to the Assistance Association for Political Prisoners ("AAPP"), at least 120 people have been arrested by the Myanmar government for political reasons since January 2012.⁸¹

The Political Prisoners Scrutiny Committee, a government-backed committee formed in February 2013 and charged with verifying the remaining political prisoners in Myanmar, evaluated and forwarded a list of 155 political prisoners to President Thein Sein on June 16, 2013.⁸² It remains to be seen whether the Myanmar government will follow the recommendations issued by the committee.

V. Economic Development

A. **Developments in the Legal Framework of Economic Development**

As noted above, the absence of a reliable rule of law is the biggest reason why international businesses are hesitant to invest in Myanmar: “There should be a guarantee that their investments and businesses will not be stolen or confiscated,” stated Aung San Suu Kyi at a party rally on June 9.⁸³ Suu Kyi also noted that transparency in the law, such as in explaining how, and for what purposes, taxes will be used, is essential in the development of a legal system that will be followed.⁸⁴ These themes of reliability and transparency, as well as uncertainty, were central in the legal developments during the months of May and June.

On June 4, concerns were raised about Myanmar’s current labor rights and intellectual property laws at a hearing in Washington D.C. on Myanmar’s potential inclusion in the Generalized System of Preferences,⁸⁵ a program designed to promote economic growth by allowing thousands of exports from member nations to enter the U.S. duty-free.⁸⁶ For example, Myanmar’s current copyright law was promulgated 91 years ago and is largely ignored, making it inadequate and unreliable in protecting the interests of U.S. copyright holders.⁸⁷ In response, officials have stated that “legislation establishing a minimum wage and standards for occupational health and safety will be debated at the next session of parliament, as will new copyright legislation.”⁸⁸ The draft of this new intellectual property legislation has received input from the World Intellectual Property Organization, as well as from U.S. copyright-based industries such as the Motion Picture Association of America and the Recording Industry Association of America.⁸⁹

Progress was also made this month in promoting greater transparency in the energy industries. Seeking access to one of the last Asian countries to open up development, 59 global energy companies have lined up so far for a share in Myanmar’s oil, gas and mining markets.⁹⁰ The country currently faces a severe energy shortage, and the key to alleviating the situation is thought to be in the development of natural gas.⁹¹ However, much of the offshore and onshore fields have yet to be explored, and the country will require massive investments to realize its gas potential.⁹² In this regard, a major problem has been opaque regulatory policy impeding global firms attempting to enter the market.⁹³ But this month, the country announced that it had entered into a “transparency partnership” with the U.S. to help Myanmar implement the Extractive Industries Transparency Initiative, “a global standard that promotes revenue transparency and accountability”, as well as environmental safety and good governance in the mining, oil and gas industries.⁹⁴

Finally, Myanmar currently faces uncertainty in its legislative framework for telecommunication operations. Earlier this month, 12 consortiums submitted bids for two telecommunications licenses for foreign operators to conduct business in Myanmar.⁹⁵ Though the two winners were announced on June 27, the country is still without telecommunications laws.⁹⁶ Instead, the winning consortiums will now enter into negotiations with the government before the laws are finalized, and much uncertainty remains over how the government will achieve a level playing field between domestic and foreign operators.⁹⁷ Telecommunications networks are, globally, a classic nexus for corruption and favoritism due to the historically monopolistic nature of the technologies and networks involved. As it currently stands in Myanmar, local operators

will have far more spectrum at lower frequencies, which allows them to place base stations farther apart than their foreign competitors.⁹⁸ This in turn enables the local operators to build their networks more efficiently and with less data congestion.⁹⁹ Though the new entrants have recently been given slightly more spectrum, it remains to be seen how the new laws will address this inequality.¹⁰⁰

B. Developments in Foreign Investment and Economic Development Projects

As noted above, one of the biggest events in June was Myanmar's hosting of the World Economic Forum ("WEF"), which marked the first time the country has handled a major international event.¹⁰¹ 550 business leaders from over 60 companies¹⁰² converged in Nay Pyi Taw for three days to discuss various issues such as information and communications technology, energy, tourism, human resources development, finance and agriculture.¹⁰³ However, the main purpose for the country's hosting of the event was to promote its business potential¹⁰⁴ in an effort to dispel doubts that international investors may have about the country's reliability as a long-term investment.¹⁰⁵ In this regard, many of the attendees expressed caution, noting that they would take a "wait and see" approach to investing, especially until they are sure that the country's infrastructure is sufficiently developed.¹⁰⁶

Several key reports and development plans were announced at the WEF. McKinsey Global Institute presented a comprehensive report highlighting the growth potential and risks of Myanmar's economy.¹⁰⁷ According to the report, Myanmar's economy could quadruple to \$200 billion by 2030, creating 10 million jobs and lifting 18 million people out of poverty, but this growth is contingent on the government resolving ethnic violence, maintaining its momentum toward political and economic reform and easing constraints on doing business.¹⁰⁸ The Ministry of Hotels and Tourism also unveiled a plan to invest roughly \$500 million dollars in developing human resources and tourism-related infrastructure to boost the country's tourism industry.¹⁰⁹ The goal of the plan is to increase tourism revenue to \$10.18 billion in 2020, up from \$534 million in 2012, and to create roughly 1.1 million more jobs in the process.¹¹⁰

Another major event this month was the conclusion of the six-month bidding process for two highly coveted foreign mobile network operator licenses. On June 27, it was announced that Telenor ASA of Norway and Ooredoo QSC of Qatar had emerged as the two winners.¹¹¹ Through these two carriers, the country plans to increase network telecommunications coverage from 9% currently to 80% by 2016.¹¹² Only one in 10 people in Myanmar currently owns a mobile phone, and the country is lagging significantly behind in network coverage compared to some of its neighbors—70% in Cambodia, 87% in Laos and more than 100% in Thailand.¹¹³ Telenor and Ooredoo must now fulfill requirements set out by the government, which include providing 75% geographic coverage "for each region and state, as well as offering a wide range of products and services at a price within reach of both urban and rural consumer bases."¹¹⁴ As one commentator noted, such processes bode well for the future of Myanmar's economy and competitive environment: "Myanmar's transition to democracy has drawn fulsome praise from Western powers who recognize a pivot when they see one. Conversely, the biggest external loser is China, which backed the former junta and was rewarded with sweetheart deals for natural resources. [See above.] So when Myanmar announced last year that it was opening up its telecoms sector to foreign investment, the bidding process took on a geopolitical flavour. . . . Indeed, all of the bidders with local partners fell short, and the two winning bidders submitted

solo bids. This bodes well for Myanmar's promise to create a level playing field for foreign investors."¹¹⁵

Major foreign investment development also continued in other areas. Earlier this month, Coca-Cola opened its first bottling plant in Myanmar in more than 60 years.¹¹⁶ CEO Muhtar Kent attended the opening ceremony and reiterated the company's intent to invest \$200 million and create 22,000 job opportunities over the next five years.¹¹⁷ It was also revealed that Myanmar is planning to set up a data center this year in anticipation of the opening of its first stock exchange.¹¹⁸ Daiwa Institute of Research Ltd. ("DIR") of Japan will provide technical assistance in the construction of the data center, which is set to become operational next January.¹¹⁹ The stock exchange, scheduled to open in 2015, will be co-operated by the Central Bank of Myanmar, the Tokyo Stock Exchange and DIR.¹²⁰

C. Land Seizures

Numerous reports and findings released this month by the local government and international organizations have highlighted or expressed concern over land seizures and the current state of land rights within Myanmar. The Ministry of Agriculture reported that total land concessions increased 76% from 1.94 million acres to 3.42 million acres between January 31, 2011 and March 31, 2012.¹²¹ Kachin State saw the largest increase in conceded land during that period with 800,000 acres added, followed by the Tanintharyi and Sagaing regions with 320,000 and 160,000 acres added respectively.¹²² The sharp increase is believed largely to be due to the Ministry's policies that have promoted the expansion of industrial-scale farming in recent years.¹²³ In this regard, Oxfam, an international NGO, released a report urging the government to "support, rather than replace, small-scale farmers and in particular take steps to help them produce higher yields" by "improving financial and human resources for township-level agricultural bodies, boosting access to affordable credit and investing more in agricultural infrastructure."¹²⁴

Loopholes in the current legal framework have also been criticized as leaving small-scale farmers unprotected. The Oxfam report, as well as a report by an international NPO, Displaced Solutions, note that current laws do not recognize customary land tenure¹²⁵ or freehold ownership.¹²⁶ Furthermore the Asian Legal Resource Center points out in their report that the substance of the new Farmland Law of 2012 resembles old, socialist-era practices.¹²⁷ For example, the law "enables the state to take over any land on the pretext of embarking upon a project in 'the national interest'", and authorization for whether to take over any given piece of land lies not with the judiciary, but with various councils comprised exclusively of government officials without independent experts or representatives of farmers' interests.¹²⁸

Meanwhile, protests and violence over land confiscation continued. In late May, six farmers were arrested while trying to plant crops on military-backed confiscated land in an act of defiance, and hundreds of farmers protested that an ongoing probe into land confiscation by the military was far too limited in scope to adequately redress all of the affected individuals.¹²⁹ Earlier this month, three women in Parein village were killed in a confrontation where security officials were attempting to relocate the women from their homes.¹³⁰

VI. Ethnic Violence

A. Karenni

The Karenni National Progressive Party (KNPP) and the Burmese government have reached an eight-point peace agreement.¹³¹ The deal is the culmination of three rounds of negotiations, making the June 19-20, 2013 talks the first meeting between the two sides in nearly a year.¹³² The eight-point agreement includes a nationwide ceasefire, plans of resettling thousands of displaced persons, land mine clearance, and the expectation of continued political dialogue.¹³³ The deal also includes the formation of a local peace monitoring committee, which consists of representatives and community leaders from each side.¹³⁴

B. Kachin

Since the signing of the seven-point ceasefire deal between the Burmese government and ethnic rebels from the Kachin Independence Organization (KIO) on May 30, 2013, there have been over 20 clashes between the two sides.¹³⁵ The latest episode of violence began June 26 when Burmese military fired mortars at members of the Kachin Independence Army (KIA) in the villages of Lisuywa, Shanywa, Khalon, and Piekong, reportedly displacing at least 100 people.¹³⁶ Despite 15 rounds of peace talks, the ceasefire agreement and plans to create a joint monitoring committee, tension between the Burmese government and the KIO remains.¹³⁷ The KIA insists that a political settlement is necessary in order to quell hostilities.¹³⁸

C. Violence Against Muslims

Within the Rakhine state of Burma there are still up to 140,000 internally displaced people (IDP), stemming from the religious unrest that began in June of 2012.¹³⁹ This month there have been several Rohingya deaths at the hands of Burmese government authorities. Notably, the United Nations High Commissioner for Refugees (UNHCR) is calling for an investigation into the death of two and wounding of six internally displaced people that occurred in the Kyeni Ni Pyin IDP camp in Pauktaw township of Rakhine state.¹⁴⁰ The UNHCR believes this shooting signifies a need for government-backed strengthening of camp management and coordination.¹⁴¹

As noted above, media reports, including a censored Time International cover story, have placed blame for inciting such violence on U Wirathu and other Buddhist figures in the country. “U Wirathu has been a leading advocate of the ‘969’ campaign, which, among other things, urges Buddhists to patronize Buddhist-run shops. The digits relate to Buddha and his teachings, but the campaign plays on longstanding tensions – often suppressed during the days of military rule - between Buddhists and Muslims, who make up less than 5 percent of the population according to official statistics.”¹⁴² “As deadly incidents have spread from long-volatile Rakhine state to parts of the country where Buddhists and Muslims have lived in relative harmony, some monks have taken part in the riots, according to media reports. But they appear to be a minority. Leaders of a Buddhist monastery, for instance, sheltered more than 1,000 Muslims during a recent riot in Lashio, on the eastern border with China.”¹⁴³ With respect to a controversial legislative proposal by U Wiranthu to restrict marriages between Muslims and Buddhists (reminiscent of historical legislation in the U.S. restricting interracial marriages, since found unconstitutional), President Thein Sein has not taken a public position but Suu Kyi has come out

in opposition.¹⁴⁴ “Myo Win, a Muslim who runs an education non-profit in Rangoon, says that the problem is the failure of the formerly autocratic government to stop repeated riots.”¹⁴⁵

-
- 1 Financial Times, June 17, 2013: <http://www.ft.com/cms/s/0/398274d8-d4e8-11e2-b4d7-00144feab7de.html#ixzz2WUgzmO6a>
 - 2 Wall Street Journal, June 4, 2013: <http://blogs.wsj.com/searealtime/2013/06/04/economic-forum-opening-in-a-much-changed-myanmar/>
 - 3 Jakarta Post, June 20, 2013: <http://www.thejakartapost.com/news/2013/06/21/changing-myanmar-move.html>
 - 4 Bangkok Post (June 10, 2013): <http://www.bangkokpost.com/business/news/354341/myanmar-s-newenergy-agenda>
 - 5 Bangkok Post (June 10, 2013): <http://www.bangkokpost.com/business/news/354341/myanmar-s-newenergy-agenda>
 - 6 Financial Times (June 17, 2013): <http://www.ft.com/cms/s/0/398274d8-d4e8-11e2-b4d700144feab7de.html#ixzz2WUgzmO6a>
 - 7 Wall Street Journal (June 4, 2013): <http://online.wsj.com/article/SB10001424127887324063304578525021254736996.html>
 - 8 American Banker (June 20, 2013): http://www.americanbanker.com/issues/178_119/bank-of-tokiomitsubishi-hit-with-250-million-dollar-fine-for-aml-violation-1060013-1.html
 - 9 The New York Times, June 7, 2013: <http://www.nytimes.com/2013/06/07/world/asia/daw-aung-san-su-kyi-wants-to-be-myanmars-president.html>
 - 10 The Irrawaddy, June 20, 2013: <http://www.irrawaddy.org/archives/37951>.
 - 11 *Id.*
 - 12 The Irrawaddy, June 20, 2013: <http://www.irrawaddy.org/archives/37987>.
 - 13 The Myanmar Times, April 22, 2013: <http://www.mmtimes.com/index.php/national-news/6471-bill-on-voting-system-to-be-submitted-in-june-uec>; Asian Correspondent, April 16, 2013: <http://asiancorrespondent.com/105411/burma-myanmar-proportional-representation/>.
 - 14 The Irrawaddy, June 20, 2013: <http://www.irrawaddy.org/archives/37987>. (Emphasis added.)
 - 15 Radio Free Asia, June 18, 2013: <http://www.rfa.org/english/news/myanmar/charter-06182013210915.html>.
 - 16 *Id.*
 - 17 *Id.*
 - 18 *Id.*
 - 19 Inquirer News, June 3, 2013: <http://newsinfo.inquirer.net/419751/myanmar-media-group-gets-golden-pen-of-freedom-award-at-bangkok-world-press-congress>
 - 20 *Id.*
 - 21 *Id.*
 - 22 The Nation, June 11, 2013: <http://www.nationmultimedia.com/aec/Hackers-a-major-threat-to-independent-media-in-Mya-30208041.html>
 - 23 *Id.*
 - 24 *Id.*
 - 25 Asian Correspondent, June 10, 2013: <http://asiancorrespondent.com/108906/burma-interim-press-council-oppose-governments-public-service-media-draft-law/>
 - 26 Eleven Myanmar, June 11, 2013: <http://elevenmyanmar.com/national/2468-press-council-lashes-out-psm-bill>
 - 27 *Id.*
 - 28 The Irrawaddy, June 14, 2013: <http://www.irrawaddy.org/archives/37514>
 - 29 Eleven Myanmar, June 11, 2013: <http://elevenmyanmar.com/national/2468-press-council-lashes-out-psm-bill>
 - 30 The Irrawaddy, June 14, 2013: <http://www.irrawaddy.org/archives/37514>

-
- 31 *Id.*
32 *Id.*
33 *Id.*
34 International Business Times, June 25, 2013:
<http://www.ibtimes.co.uk/articles/483083/20130625/myanmar-bans-time-magazine-cover-burmese-bin.htm>
35 *Id.*
36 Global Times, June 11, 2013: <http://www.globaltimes.cn/content/788172.shtml>
37 *Id.*
38 Asian Tribune, June 6, 2013: <http://www.asiantribune.com/node/62752>
39 International Business Times, June 25, 2013: <http://www.ibtimes.com/myanmars-reform-government-renegotiate-billions-dollars-resource-deals-combat-corruption-nations>
40 *Id.*
41 Burma News International, June 4, 2013: <http://www.bnionline.net/index.php/news/narinjara/15440-one-lakh-kyat-bribe-sought-for-an-agricultural-loan.html>
42 *Id.*
43 Myanmar Times, June 3, 2013: <http://www.mmtimes.com/index.php/national-news/6941-residents-submit-complaint-over-village-administrator.html>
44 *Id.*
45 *Id.*
46 Third party website: <http://www.elevenmyanmar.com/politics/2542-myanmar-rights-group-pushes-to-adopt-un-treaties>
47 <http://www.irrawaddy.org/archives/38012>
48 *Id.*
49 *Id.*
50 <http://www.irrawaddy.org/archives/37783>
51 Eleven Myanmar, June 20, 2013: <http://www.elevenmyanmar.com/politics/2542-myanmar-rights-group-pushes-to-adopt-un-treaties>
52 *Id.*
53 *Id.*
54 *Id.*
55 Eleven Myanmar, June 17, 2013: <http://www.elevenmyanmar.com/politics/2519-myanmar-mp-s-propose-to-abolish-section-18>
56 *Id.*
57 *Id.*
58 Eleven Myanmar, June 16, 2013: <http://www.elevenmyanmar.com/national/2515-myanmar-s-new-central-bank-law-to-be-approved-next-month>
59 NASDAQ, June 8, 2013: <http://www.nasdaq.com/article/myanmar-central-bank-official-details-planned-reforms-20130608-00004>
60 *Id.*
61 *Id.*
62 Eleven Myanmar, June 16, 2013: <http://www.elevenmyanmar.com/national/2515-myanmar-s-new-central-bank-law-to-be-approved-next-month>
63 Eleven Myanmar, June 16, 2013: <http://www.elevenmyanmar.com/national/2513-myanmar-to-update-1988-organizations-law>
64 *Id.*
65 *Id.*
66 Eleven Myanmar, June 11, 2013: <http://www.elevenmyanmar.com/tourism/2457-myanmar-to-review-1992-tourism-law>
67 *Id.*
68 Myanmar Times, June 24, 2013: <http://mmtimes.com/index.php/business/property-news/7236-new-bill-aims-to-boost-engineers.html>
69 *Id.*
70 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/national-news/7151-legal-system-holding-back-fdi-nld-leader.html>
71 *Id.*

72 *Id.*
73 Associated Press, April 23, 2013: <http://news.yahoo.com/myanmar-pardons-93-including-political-prisoners-005010288.html>.
74 Congressional Report, May 14, 2013: www.fas.org/sgp/crs/row/R42363.pdf, pg. 6.
75 Radio Free Asia, June 04, 2013: <http://www.rfa.org/english/news/myanmar/prisoners-06042013133605.html>.
76 Congressional Report, May 14, 2013: www.fas.org/sgp/crs/row/R42363.pdf, pg. 6.
77 Reuters, May 23, 2013: <http://www.reuters.com/article/2013/05/17/us-myanmar-prisoners-idUSBRE94G09720130517>
78 Reuters, April 23, 2013: <http://www.reuters.com/article/2013/04/23/us-myanmar-prisoners-idUSBRE93M0MN20130423>
79 Congressional Report, May 14, 2013: www.fas.org/sgp/crs/row/R42363.pdf, pg. 6; Democratic Voice of Burma, June 18, 2013: <http://www.dvb.no/news/scrutiny-committee-forwards-list-of-political-prisoners-to-president%E2%80%99s-office/28839>
80 Congressional Report, May 14, 2013: www.fas.org/sgp/crs/row/R42363.pdf, pg. 10.
81 *Id.*
82 Democratic Voice of Burma, June 18, 2013: <http://www.dvb.no/news/scrutiny-committee-forwards-list-of-political-prisoners-to-president%E2%80%99s-office/28839>
83 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/national-news/7151-legal-system-holding-back-fdi-nld-leader.html>
84 *Id.*
85 Myanmar Times, June 24, 2013: <http://mmtimes.com/index.php/business/7247-government-plans-legal-revamp-to-grab-a-share-of-us-market.html>
86 USTR: <http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preference-gsp>
87 Myanmar Times, June 24, 2013: <http://mmtimes.com/index.php/business/7247-government-plans-legal-revamp-to-grab-a-share-of-us-market.html>
88 *Id.*
89 *Id.*
90 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/business/7170-government-enters-transparency-partnership-with-us.html>
91 *Id.*
92 *Id.*
93 *Id.*
94 *Id.*
95 Myanmar Times, June 3, 2013: <http://mmtimes.com/index.php/national-news/6961-the-tender-eleven-consortiums-two-licences.html>
96 Myanmar Times, June 3, 2013: <http://mmtimes.com/index.php/national-news/6962-uncertainty-over-law-clouds-tender.html>
97 *Id.*
98 *Id.*
99 *Id.*
100 *Id.*
101 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/national-news/7124-hard-work-begins-after-forum-plaudits.html>
102 WSWS, June 12, 2013: <http://www.wsws.org/en/articles/2013/06/12/burm-j12.html>
103 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/national-news/7124-hard-work-begins-after-forum-plaudits.html>
104 Myanmar Times, June 10, 2013: <http://mmtimes.com/index.php/national-news/7079-wef-caters-to-business-elite-excludes-minority-voices.html>
105 Myanmar Times, June 17, 2013: <http://mmtimes.com/index.php/national-news/7124-hard-work-begins-after-forum-plaudits.html>
106 Myanmar Times, June 10, 2013: <http://mmtimes.com/index.php/national-news/7079-wef-caters-to-business-elite-excludes-minority-voices.html>

-
- 107 Myanmar Times, June 3, 2013: <http://mmtimes.com/index.php/national-news/6947-new-report-highlights-growth-potential-risks.html>
- 108 *Id.*
- 109 Myanmar Times, June 10, 2013: <http://mmtimes.com/index.php/national-news/7083-tourism-master-plan-unveiled.html>
- 110 *Id.*
- 111 Bloomberg, June 28, 2013: <http://www.bloomberg.com/news/2013-06-27/myanmar-picks-telenor-and-ooredoo-for-phone-licenses-over-soros.html>
- 112 *Id.*
- 113 *Id.*
- 114 Myanmar Times, June 27, 2013: <http://mmtimes.com/index.php/national-news/7277-telenor-and-ooredoo-granted-network-licences.html>
- 115 Forbes Online, Simon Montlake, July 2, 2013: <http://www.forbes.com/sites/simonmontlake/2013/07/02/myanmars-pivot-to-west-is-no-shoo-in-for-u-s-carpetbaggers/>
- 116 Myanmar Times, June 4, 2013: <http://mmtimes.com/index.php/national-news/6993-coca-cola-sets-up-shop-in-myanmar.html>
- 117 *Id.*
- 118 Eleven, June 23, 2013: <http://www.elevenmyanmar.com/business/2557-japan-helps-myanmar-to-launch-its-first-data-center>
- 119 *Id.*
- 120 *Id.*
- 121 Myanmar Times, June 3, 2013: <http://mmtimes.com/index.php/national-news/6959-fears-over-growth-in-land-concessions.html>
- 122 *Id.*
- 123 *Id.*
- 124 Myanmar Times, June 10, 2013: <http://mmtimes.com/index.php/national-news/7070-small-scale-farmers-need-government-support-says-oxfam.html>
- 125 *Id.*
- 126 Myanmar Times, June 10, 2013: <http://mmtimes.com/index.php/national-news/7071-land-rights-must-take-central-position-in-peace-process-report.html>
- 127 Mizzima, June 7, 2013: <http://www.mizzima.com/business/7277-epidemic-of-land-grabbing-in-burma-report.html>
- 128 *Id.*
- 129 Radio Free Asia, May 24, 2013: <http://www.rfa.org/english/news/myanmar/land-05242013173550.html>
- 130 The Telegraph, June 5, 2013: <http://www.telegraph.co.uk/news/worldnews/asia/burmayanmar/10102188/Burma-must-make-economy-boom-for-all-says-Oxfam.html>
- 131 Mizzima, June 24, 2013, <http://www.mizzima.com/news/ethnic-issues/9573-karennis-agree-8-point-plan-with-government>
- 132 Democratic Voice of Burma, June 20, 2013, <http://www.dvb.no/news/politics-news/karenni-rebels-and-govt-progress-on-peace-talks/28877>
- 133 Mizzima, June 24, 2013, <http://www.mizzima.com/news/ethnic-issues/9573-karennis-agree-8-point-plan-with-government>
- 134 Democratic Voice of Burma, June 20, 2013, <http://www.dvb.no/news/politics-news/karenni-rebels-and-govt-progress-on-peace-talks/28877>
- 135 Associated Press June 23, 2013, http://hosted.ap.org/dynamic/stories/A/AS_MYANMAR_ETHNIC_FIGHTING?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT
- 136 Radio Free Asia, June 27, 2013, <http://www.rfa.org/english/news/myanmar/kachin-06272013153328.html>
- 137 Asian Correspondent, June 24, 2013, <http://asiancorrespondent.com/109737/analysis-a-long-way-to-create-a-peaceful-kachin-state-in-burma/>
- 138 Associated Press, June 23, 2013, http://hosted.ap.org/dynamic/stories/A/AS_MYANMAR_ETHNIC_FIGHTING?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

-
- 139 The United Nations High Commissioner for Refugees, June 28, 2013,
<http://www.unhcr.org/51cd7fc26.html>
- 140 *Id.*
- 141 *Id.*
- 142 Washington Post, July 5, 2013 (“In Burma, monks accused of stirring up anti-Islamic violence”):
http://www.washingtonpost.com/world/asia_pacific/in-burma-monks-accused-of-stirring-up-anti-islamic-violence/2013/07/04/ef702e0c-e31b-11e2-a11e-c2ea876a8f30_story.html
- 143 *Id.*
- 144 *Id.*
- 145 *Id.*