



Center for Business
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U.S. Department of State
Bureau of Democracy, Human Rights, and Labor
Attn: Jennifer Stein

January 25, 2016

Dear Ms. Stein,

We are writing to support the extension of the Reporting Requirements for Responsible Investment in Burma (“Reporting Requirements”) in response to the Notice of Proposed Information Collection of November 25, 2015. In our view, the continuation of this reporting requirement is necessary for the proper functioning of the State Department and other federal agencies in their advocacy for a fair, rules-based global economic order.

The genesis of this reporting requirement was the determination by the Executive Branch in 1997 (and subsequent modifications in 2007 and 2012) that the actions and policies of the Government of Burma constituted a threat to the national security and foreign policy of the United States. The 2012 amendment expanded the scope of the threat to U.S. interests to include human rights abuses, particularly in ethnic areas. This came at a time when there also were a series of political reforms in Burma that led the Treasury Department to lift restrictions on new investments.

The Department of State adopted the Reporting Requirements in order to support political reforms and monitor whether new investments by U.S. companies were advancing the important foreign policy goal of bolstering progress on human rights and toward democracy. The Reporting Requirements were a logical and important complement to the lifting of restrictions on investments. They both gave the U.S. government the kind of information it needs to fashion appropriate human rights policies towards Burma and provided guidance to American companies seeking to do business in an attractive new market.

A premise of the reporting requirements was that American companies can and should be a model for responsible investment and business practices around the world. We share the view of the Obama Administration that these investments have the potential to promote inclusive economic growth and economic development that contributes to the welfare of the Burmese people after decades of repression and isolation. Since 2013, American companies and trade associations have submitted reports in compliance with the Reporting Requirements. The reports have provided uniquely useful information on how these companies are interacting with Burmese officials and steps they are taking to shape their investment policies and business operations in a manner that supports the U.S. government’s interest in improving human rights and democratic reform.



We strongly advocate for renewing the Reporting Requirements and believe their renewal is especially important in the context of the still-nascent democratic transition in Burma. While there is no doubt that there has been human rights progress in the last three years, most notably in the 2015 elections, it is also clear that much remains to be done and that serious human rights and corruption challenges continue to face Burma.

Among these challenges is ongoing human rights abuses in Rakhine State. In its most recent Country Report on Burma, the State Department called these abuses – including denial of full citizenship rights to the Rohingya minority, draconian restrictions on their freedom of movement, and extrajudicial killings, arbitrary detentions, torture, and systematic denial of due process and fair trial rights – a “severely troubling counterpoint” to progress in other areas. As the Country Report also documents, “other significant human rights problems persisted throughout the country, particularly in conflict areas, including rape and sexual violence; politically motivated arrests and an overall lack of rule of law, resulting in corruption and widespread land confiscation without adequate compensation or recourse to the law, arrests of journalists and restrictions on media freedom.”

While the 2015 elections represent a very important step forward in Burma’s transition out of decades of military rule, much more needs to be done by the new government to improve human rights and combat widespread corruption in Burma. American companies are playing and will continue to play an important role in this much-needed reform. The Reporting Requirements have proved to be a very useful tool, both for the U.S. governments and for the companies that have produced these reports over the last three years. The Reporting Requirements also send a strong signal to the Burmese government that human rights and corruption continue to be high on the U.S.-Burma bilateral agenda. The Reporting Requirements are a smart diplomatic tool, provide valuable information both to the private sector and government, and are not unduly burdensome.

We strongly recommend the continuation of the Reporting Requirements for Responsible Investment in Burma.

Sincerely,

 
Michael Posner Sarah Labowitz