

Ms. Manisha Singh
Assistant Secretary of State for Economic and Business Affairs
Department of State, Washington DC 20520
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August 15, 2019

Dear Assistant Secretary Singh:

As NGOs with expertise on the current situation in Burma, we submit the following for your consideration during your upcoming five-day visit “to promote continued improvements to the investment climate.” As you are aware, the persecution of ethnic minorities by the military continues in Rakhine, Kachin and N. Shan States, freedom of speech and association are under siege throughout the country and the military remains unaccountable and outside of civilian control and oversight.

The recent United Nations Fact-Finding Mission on Myanmar (FFM) makes clear that the military's economic interests “substantially enhances its ability to carry out gross violations of human rights with impunity.” In this context, we remain concerned that U.S. investment not support, directly or otherwise the military, or exacerbate conflict, and undermine efforts to promote accountability and conditions for the safe, dignified and voluntary return of displaced persons.

The FFM report recommends that investment in Myanmar should avoid military companies or risk contributing to, or being linked to, violations of international human rights and humanitarian law. Investment in other areas, in particular in the extractive sector and areas of conflict, merits enhanced due diligence in line with the United Nations Guiding Principles on Business and Human Rights and OECD due diligence guidelines.

In particular, we are concerned that pursuing economic development with military-linked companies under conditions of systematic discrimination, restricted movement, and complicity of these entities in the aforementioned abuses will reinforce and effectively support systems of segregation, abuse, and exclusion in Burma.

The US government must make it clear that human rights protection is essential for both democracy and development of a stable market economy in Burma and elsewhere. We request the US Government promote awareness of the binding OECD due diligence frameworks, the UN FFM report on military economic interests, and other policies and frameworks for responsible business.

We note that the government of Burma has taken no meaningful action to improve conditions for Rohingya in Rakhine State or to address the root causes of the crisis. Even after the exodus of more than 730,000 Rohingya from Rakhine from August 2017, an estimated 400,000 to 600,000

Rohingya continue to live in Rakhine State, where they face state-sponsored discrimination and systematic segregation, including severe restrictions on freedom of movement and access to essential services such as healthcare and education, and other reported violations including arbitrary arrests, sexual violence, and forced labor.

Approximately 128,000 people – mostly Rohingya – remain confined in camps in central Rakhine State since being forcibly relocated following violence in 2012. Denied freedom of movement, they are effectively imprisoned in what amounts to arbitrary and discriminatory deprivation of liberty. Living conditions in the camps are squalid, described as “beyond the dignity of any people” by the United Nations deputy relief chief. Most depend on humanitarian assistance for their survival; however, the Burmese authorities continue to restrict access to the region and to limit assistance. Furthermore, recent fighting between the Burmese military and the non-state Arakan Army has led to new displacements and there are credible reports of ongoing human rights violations perpetrated by state security forces, in particular the military, in Rakhine State.

U.S. companies investing in Rakhine State should only move forward if the Burmese government lifts existing movement restrictions; amend or repeal the discriminatory 1982 Citizenship Law to provide Rohingya equal access to citizenship rights; and enable equal access to basic services in an unsegregated manner, including education and health care, for all communities. There should be no restrictions on U.S. humanitarian assistance activities.

U.S. investments can bring needed jobs, technology and resources and play a key role in supporting the people of Burma in their struggle to emerge from decades of oppressive military dictatorship. However, this investment must be conducted in line with the highest acceptable standards of responsible business conduct.

Your trip is an opportunity to send a firm, clear message that the U.S. will support Burma’s economic development, but that this support must be done responsibly and will in no way support the repressive military. We warmly look forward to getting a read out of your trip upon your return, perhaps in a meeting at your convenience.

Sincerely,

American Jewish World Services

Burma Task Force

Global Witness

International Campaign for the Rohingya

Jewish Alliance of Concern Over Burma
(JACOB)

Never Again Coalition

Physicians for Human Rights

STAND: The Student-Led Movement to
End Mass Atrocities

Unitarian Universalist Service Committee
(UUSC)

The World Rohingya Organization

Cc:

Stilwell, David R., Assistant Secretary, Bureau of East Asian and Pacific Affairs

Scott Busby, Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor

Scot Marciel, Ambassador, U.S. Ambassador to the Republic of the Union of Myanmar.

George Sibley, Deputy Chief of Mission, U.S. Embassy, Rangoon

Amy Roth, Economic Officer, U.S. Embassy, Rangoon