Myanmar (Burma)

RISK & COMPLIANCE REPORT

DATE: January 2017

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Executive Summary - Myanmar (Burma)	
Sanctions:	EU Financial sanctions and Arms Embargo
FAFT list of AML Deficient Countries	No longer on list
Higher Risk Areas:	Non - Compliance with FATF 40 + 9 Recommendations US Dept of State Money Laundering Assessment Not on EU White list equivalent jurisdictions Corruption Index (Transparency International & W.G.I.) World Governance Indicators (Average Score) Failed States Index (Political Issues)(Average Score) International Narcotics Control Majors List (Cited) Offshore Finance Centre
Medium Risk Areas:	Weakness in Government Legislation to combat Money Laundering

Major Investment Areas:

Agriculture - products:

rice, pulses, beans, sesame, groundnuts, sugarcane; fish and fish products; hardwood

Industries:

agricultural processing; wood and wood products; copper, tin, tungsten, iron; cement, construction materials; pharmaceuticals; fertilizer; oil and natural gas; garments, jade and gems

Exports - commodities:

natural gas, wood products, pulses, beans, fish, rice, clothing, jade and gems

Exports - partners:

Thailand 40.5%, India 14.7%, China 14.2%, Japan 7.4% (2012)

note: import figures are grossly underestimated due to the value of consumer goods, diesel fuel, and other products smuggled in from Thailand, China, Malaysia, and India

Imports - commodities:

fabric, petroleum products, fertilizer, plastics, machinery, transport equipment; cement, construction materials, crude oil; food products, edible oil

Imports - partners:

China 37%, Thailand 20.2%, Singapore 8.7%, South Korea 8.7%, Japan 8.2%, Malaysia 4.6% (2012)

Investment Restrictions:

On November 3, 2012 President Thein Sein signed into law a new Foreign Investment Law (FIL). Most observers view the new law as a positive, pro-business step in the right direction, especially when compared to earlier protectionist versions of the law which had emerged during 2012. The FIL restricts foreign investment in only a limited number of sectors, such as small and medium businesses that can only be operated by a Burmese national

The stated objectives of the FIL are as follows:

- To support the extraction and export of the rich natural resources of the state for the benefit of the people;
- The creation and accumulation of jobs for the people;
- The development of human resources;
- The development of infrastructure such as banking and finance, modern roads, interstate highways, production of electricity and energy, and modern information technology;
- Transportation of rail, water and air via an international standard to enable citizens to do business throughout the world;
- The advent of businesses and investments which are in line with established international practices and norms.

According to the State-Owned Economic Enterprises Law, enacted in March 1989 and still in effect today, state-owned enterprises have the sole right to carry out the following economic activities:

- extraction of teak and sale of the same in the country and abroad;
- cultivation and conservation of forest plantations, with the exception of village-owned firewood plantations cultivated by the villagers for their personal use;
- exploration, extraction, sale, and production of petroleum and natural gas;
- exploration, extraction, and export of pearls, jade, and precious stones;
- breeding and production of fish and prawns in fisheries that have been reserved for research by the government;
- postal and telecommunications services;
- air transport and railway transport services;
- banking and insurance services;
- broadcasting and television services;
- exploration, extraction, and exports of metals;
- electricity generating services, other than those permitted by law to private and cooperative electricity generating services; and

- manufacturing of products relating to security and defense.

The Myanmar Investment Commission (MIC), "in the interest of the State", can make exceptions to this law. In the past, the MIC has routinely granted numerous exceptions including through joint ventures or special licenses in the areas of banking (for domestic investors only), mining, petroleum and natural gas extraction, telecommunications, radio and television broadcasting, and air transport services.

Contents

Section 1 - Background

Various ethnic Burmese and ethnic minority city-states or kingdoms occupied the present borders through the 19th century. Over a period of 62 years (1824-1886), Britain conquered Burma and incorporated the country into its Indian Empire. Burma was administered as a province of India until 1937 when it became a separate, self-governing colony; in 1948, Burma attained independence from the Commonwealth. Gen. NE WIN dominated the government from 1962 to 1988, first as military ruler, then as self-appointed president, and later as political kingpin. In response to widespread civil unrest, NE WIN resigned in 1988, but within months the military crushed student-led protests and took power. Multiparty legislative elections in 1990 resulted in the main opposition party - the National League for Democracy (NLD) - winning a landslide victory. Instead of handing over power, the junta placed NLD leader (and Nobel Peace Prize recipient) AUNG SAN SUU KYI (ASSK) under house arrest from 1989 to 1995, 2000 to 2002, and from May 2003 to November 2010. In late September 2007, the ruling junta brutally suppressed protests over increased fuel prices led by prodemocracy activists and Buddhist monks, killing at least 13 people and arresting thousands for participating in the demonstrations. In early May 2008, Burma was struck by Cyclone Nargis, which left over 138,000 dead and tens of thousands injured and homeless. Despite this tragedy, the junta proceeded with its May constitutional referendum, the first vote in Burma since 1990. Parliamentary elections held in November 2010, considered flawed by many in the international community, saw the ruling Union Solidarity and Development Party garner over 75% of the seats. Parliament convened in January 2011 and selected former Prime Minister THEIN SEIN as president. Although the vast majority of national-level appointees named by THEIN SEIN are former or current military officers, the government has initiated a series of political and economic reforms leading to a substantial opening of the long-isolated country. These reforms have included allowing ASSK to contest parliamentary by-elections on 1 April 2012, releasing hundreds of political prisoners, reaching preliminary peace agreements with 10 of the 11 major armed ethnic groups, enacting laws that provide better protections for basic human rights, and gradually reducing restrictions on freedom of the press, association, and civil society. At least due in part to these reforms, ASSK now serves as an elected Member of Parliament and chair of the Committee for Rule of Law and Tranquility. Most political parties have begun building their institutions in preparation for the next round of general elections in 2015. The country is preparing to chair the Association of Southeast Asian Nations (ASEAN) in 2014.


CHINA
Hkakabo Razi
BHU.
Brahmaputra
INDIA
CHINA
Myitkyinā
BANGL.
Bhamo
Irrawaddy
Mekong
BANGL.
Monywa
Mandalay
Chauk
Taunggyi
LAOS
Sittwe
Nay Pyi Taw
(administrative capital)
Pyay
Bago
Bay of Bengal
RANGOON
Pathein
Mawlamyine
THAILAND
Dawei
Andaman Sea
ANDAMAN ISLANDS
(INDIA)
Gulf of Thailand
0 100 200 km
0 100 200 mi

Section 2 - Anti – Money Laundering / Terrorist Financing

FATF status

Myanmar is no longer on the FATF List of Countries that have been identified as having strategic AML deficiencies

Latest FATF Statement - 24 June 2016

The FATF welcomes Myanmar's significant progress in improving its AML/CFT regime and notes that Myanmar has established the legal and regulatory framework to meet its commitments in its action plan regarding the strategic deficiencies that the FATF had identified in February 2010. Myanmar is therefore no longer subject to the FATF's monitoring process under its on-going global AML/CFT compliance process. Myanmar will work with the APG as it continues to address the full range of AML/CFT issues identified in its mutual evaluation report.

Compliance with FATF Recommendations

The initial Mutual Evaluation Report relating to the implementation of anti-money laundering and counter-terrorist financing standards in The Myanmar was undertaken by the Financial Action Task Force (FATF) in 2008. According to that Evaluation, The Gambia was deemed Compliant for 2 and Largely Compliant for 2 of the FATF 40 + 9 Recommendations. It was Partially Compliant or Non-Compliant for 0 of the 6 Core Recommendations.

Executive Summary

Myanmar is predominately a cash-based economy with less than 20% of the population accessing the formal banking system. It is also a "U.S. dollarized" economy with the U.S. dollar readily accepted at shops and retail outlets.

The State Peace and Development Council (SPDC) has governed the country since 1988.

Myanmar has a military government with executive power vested mainly in military officers. However, civilian government officials also occupy senior government posts. SPDC administrative control is exercised from the central government through a system of subordinate SPDC executive bodies and regional military commanders throughout the country's seven divisions and seven states, including the four semi-autonomous states.

Myanmar has no Parliament. Legislative authority is exercised through Cabinet (the Executive) formed by heads of government agencies which are normally headed by a senior military officer appointed by the SPDC.

Myanmar, like many other countries, has significant levels of domestic corruption. Myanmar signed the 2003 UN Convention Against Corruption on 2 December 2005, but it has not ratified or acceded to this Convention. Myanmar has an old Anti-Corruption Act of 1948 which is still in effect.

The SPDC appoints the judges to the Supreme Court and indirectly also judges to the lower courts. The judiciary lacks independence. The Myanmar Bar Council is also supervised by the Attorney General and staffed by government officials.

Drug trafficking and human trafficking are the major sources of illicit proceeds. Myanmar is the second largest opium poppy grower in the world after Afghanistan. However, the major narcotics problem now is the trafficking of large quantities of methamphetamine and other psychotropic substances. Furthermore, up to one million Myanmar nationals have been trafficked primarily to China for arranged marriages and to Thailand for sexual servitude.

Myanmar cannot be regarded as a safe haven jurisdiction for illegal proceeds unlike some other jurisdictions which have sound and well developed financial institutions and products. Criminal elements both within and outside Myanmar are more likely to use the country as a transit point to move funds abroad or have settlement for illegal activities undertaken offshore.

The prevalent use of the U.S. dollar in the country makes cash courier/currency smuggling of U.S. dollar notes an attractive method of laundering illicit proceeds. Valuable portable commodities such as gems, precious metals and jewellery are also likely concealment and transfer methods given such commodities are readily available and easily transportable.

Three hotels have been given exemptions to operate casino style operations in the border areas. In addition, there are illegal operations in some hotels in border areas.

The structure of Myanmar's financial system comprises the Central Bank of Myanmar, four state-owned banks, 15 domestic private banks and a few non-bank financial institutions, which include a state-owned insurance enterprise, a state-owned small loan enterprise and a private-owned leasing company. Private banks are neither permitted to open foreign currency accounts nor enter into correspondent banking relationships with foreign banks. There are no Myanmar financial institutions with branches off-shore and correspondingly there are no branches of foreign financial institutions in Myanmar.

While no official study has been undertaken, the Myanmar authorities acknowledge that an unregulated Hundi system operates in the country.

Myanmar joined the APG in March 2006. It was removed from the FATF non-cooperative countries and territories (NCCT) list in October 2006 after being added in June 2001. However, Myanmar is still subject to FATF monitoring.

Extracted from IMF Report: Myanmar - 2011 Article IV Consultation

Financial Sector Policies: Facilitating Development

The financial sector is small and repressed with administrative controls on financial intermediation. 5 Key obstacles are the deposit-to-capital ratio,6 onerous collateral requirements, administratively set interest rates, and segmented banking activities. These controls and the exchange restrictions led to a reportedly large unregulated shadow financial system. The regulatory treatment of state banks and private banks is uneven, bank governance is poor, and banking supervision does not follow the Basel Core Principles. There is no unified national electronic payments and settlement system, although plans are under way to develop the financial infrastructure.

Recently, the authorities eased some restrictions on the financial sector. Since March 2011, more than 40 new bank branches were allowed and the list of acceptable collateral was further expanded. These steps improved access to credit and led to acceleration in private sector credit growth, albeit from a very low base.

Staffs' views

Expediting financial sector modernization is essential to facilitate development and prepare the sector for the ASEAN Economic Community. While gradual liberalization of loan interest rates, as with deposit rates, should begin in tandem with reforms to the monetary policy framework, broader efforts are needed to improve financial intermediation. These include phasing out the deposit-to-capital ratio while strengthening capital requirements, further expanding the list of acceptable collateral, and easing administrative requirements on expanding branch networks. Joint ventures with foreign financial institutions would expedite the transfer of technology before the ASEAN financial integration in 2015.

Financial liberalization should be complemented with a stronger regulatory and supervisory framework. While there is a broad need to upgrade regulation and supervision, concurrent with financial liberalization the priority should be given to moving to internationally accepted definitions for loan classification and provisioning, strengthening conflict-of-interest requirements, and introducing a net open foreign currency position limit. Efforts to strengthen the AML/CFT regime should be guided by the action plan agreed with the Financial Action Task Force.

US Department of State Money Laundering assessment (INCSR)

Myanmar (Burma) was deemed a Jurisdiction of Primary Concern by the US Department of State 2016 International Narcotics Control Strategy Report (INCSR).

Key Findings from the report are as follows: -

Perceived Risks:

Burma is not a regional or offshore financial center. Its economy is underdeveloped, as is its financial sector, and most currency is still held outside the formal banking system, although bank deposits have increased over the past several years. The lack of financial transparency, the low risk of enforcement and prosecution, and the large illicit economy makes it potentially appealing to the criminal underground. Besides narcotics, trafficking in persons; the illegal trade in wildlife, gems, and timber; and public corruption are major sources of illicit proceeds. Global Witness estimates the amount of jade extracted and exported to China through porous borders are annually in the tens of billions of dollars. Yet annual tax receipts from jade stand at approximately $374 million - representing not even 2 percent of production. Both the smuggling and customs fraud involved are predicate offenses for trade-based money laundering. Most of the companies involved are either directly owned by the army, or operated by cronies with close ties to military and government officials.

Many Burmese, particularly emigrants remitting money from Thailand or Malaysia to family in Burma, have relied on informal money transfer mechanisms, such as hundi, a type of alternative remittance system that has been abused by criminal networks. Many business deals and real estate transactions are done in cash. Less than 15 percent of adults have a bank account. As a result of the cash-based economy and informal money transfer systems, it is very difficult for authorities to follow the money trail.

Burma continues to be a major source of opium and exporter of heroin, second only to Afghanistan. Since the mid-1990s, Burma has also been a regional source for amphetamine-type stimulants. The 2015 joint Burma-UN Office of Drugs and Crime illicit crop survey reported that opium poppy cultivation decreased this year after having risen for eight consecutive years. The government faces the additional challenge of having vast swaths of its territory, particularly in drug producing areas along Burma's eastern borders, controlled by non-state armed groups. In some areas, continued conflict between ethnic armed groups and Burma's government allow organized crime groups to function with minimal risk of interdiction. Burma's long, porous borders are poorly patrolled.

Corruption is endemic in both business and government. Although recent economic reforms have significantly increased competition and transparency, State-owned enterprises and military holding companies retain influence over the economy, including control of a substantial portion of Burma's natural resources. There is a continued push to privatize more government assets. The privatization process provides potential opportunities for graft and money laundering, including by business associates of the former regime and politicians in the current civilian government, some of whom are allegedly connected to drug trafficking. Rising trade and investment flows, involving a wider range of countries and business agents, also provide opportunities for increased corruption and illicit activities. The rule of law remains weak, and Burma continues to face a significant risk of narcotics proceeds being laundered through commercial ventures.

There have been at least five operating casinos, including one in the Kokang special region near China (an area the Burmese government does not control), that primarily have targeted foreign customers. Little information is available about the regulation or scale of these enterprises. They continue to operate despite the fact casino gambling is officially illegal in Burma.

In July 2013, the U.S. ban on Burmese imports imposed in 2003 under the Burmese Freedom and Democracy Act and Executive Order 13310 ended, with the exception of restrictions on imports of jadeite and rubies. U.S. legislation and Executive Orders that block the assets of members of the former military government and three designated Burmese foreign trade financial institutions, freeze the assets of additional designated individuals responsible for human rights abuses and public corruption, and impose travel restrictions on certain categories of individuals and entities remain in force. On February 22, 2013, the U.S. Treasury issued General License No. 19 to authorize U.S. persons to conduct most transactions, including opening and maintaining accounts and conducting a range of other financial services, with four of Burma's major financial institutions that remain on Treasury's Specially Designated National (SDN) list: Asia Green Development Bank, Ayeyarwady Bank, Myanma

Economic Bank, and Myanma Investment and Commercial Bank. U.S. persons are also permitted to conduct transactions with Burmese banks not included on the SDN list.

In November 2003, the United States identified Burma as a jurisdiction of "primary money laundering concern," pursuant to Section 311 of the USA PATRIOT Act, and issued a proposed rulemaking generally prohibiting U.S. financial institutions from establishing or maintaining correspondent accounts with Burmese financial institutions. This proposed rule was finalized on April 12, 2004. The U.S. took this action against Burma because of major deficiencies in its AML system.

Since 2011, Burma has been on the FATF Public Statement, the most recent of which is dated October 23, 2015, although the FATF no longer calls for countermeasures against Burma. To be removed from the blacklist, Burma must first complete all of the items in its action plan, agreed with the FATF in 2010. The FATF notes that Burma has made progress in implementing its action plan, including issuing new AML and CFT rules in 2015 and strengthening customer due diligence (CDD) requirements for the financial sector. Nevertheless, Burma still needs to address certain strategic AML/CFT deficiencies, including adequately criminalizing terrorist financing and implementing asset freezes pursuant to UNSCRs 1267 and 1373.

Do FINANCIAL INSTITUTIONs engage in currency transactions related to international narcotics trafficking that include significant amounts of US currency; currency derived from illegal sales in the U.S.; or illegal drug sales that otherwise significantly affect the U.S.: NO

Criminalization of money laundering:

"All serious crimes" approach or "list" approach to predicate crimes: List approach

Are legal persons covered: criminally: YES ***civilly:*** NO

Know-your-customer (KYC) rules:

Enhanced due diligence procedures for PEPs: Foreign: YES ***Domestic:*** YES

KYC covered entities: Banks, insurance companies, credit societies, finance companies, microfinance institutions, casinos, real estate agents, dealers in precious metals, trust and company service providers, lawyers, notaries, car dealerships, and accountants

REPORTING REQUIREMENTS:

Number of STRs received and time frame: Not available

Number of CTRs received and time frame: Not available

STR covered entities: Banks (including bank-operated money changing counters); the Customs Department, Internal Revenue Department, Trade Administration Department, Marine Administration Department, and Ministry of Mines; state-owned insurance company and small loan enterprise; securities exchange; accountants, auditors, legal and real estate firms and professionals; and dealers of precious metals and stones

money laundering criminal Prosecutions/convictions:

Prosecutions: Not available

Convictions: Not available

Records exchange mechanism:

With U.S.: MLAT: NO ***Other mechanism:*** NO

With other governments/jurisdictions: YES

Burma is a member of the Asia/Pacific Group on Money Laundering (APG), a FATF-style regional body.

Enforcement and implementation issues and comments:

Burma's 2014 AML law criminalizes money laundering and defines predicate offenses. It also includes CDD requirements for all reporting entities. Regulations to implement the AML law were issued in September 2015. At the same time, regulations were issued to implement the counterterrorism law, also enacted in 2014. These regulations include provisions addressing the freezing of terrorist assets.

The informal economy generates few reliable records, and Burma makes no meaningful efforts to ascertain the amount or source of income or value transfers. Regulation of financial institutions is weak. In 2014, the government awarded limited banking licenses to nine foreign banks. They have subsequently opened branches but are restricted to providing loans in foreign currency and are required to partner with local banks in order to lend to local companies. This is likely to significantly increase the volume and frequency of cross-border currency transfers over the next few years. While some Burmese financial institutions may engage in currency transactions related to international narcotics trafficking that include significant amounts of U.S. currency, the absence of publicly available information precludes confirmation of such conduct.

In 2013, Burma enacted a law that grants the Central Bank both independence and exclusive jurisdiction over monetary policy. However, the Central Bank will require substantial assistance and additional resources to develop its capacity to adequately regulate and supervise the financial sector, which remains very limited.

Efforts to address widespread corruption are impeded by an ingrained culture of bribe seeking within the civil service, including police. Low salaries create an incentive for civil servants to seek to supplement their incomes. The military has an untoward influence over civilian authorities, especially at the local level. A new anti-corruption law went into effect on September 17, 2013, but has not yet had a discernible impact.

Burma still needs to take a number of steps to improve its AML/CFT regime. The government should focus on implementation of its requirements on KYC and CDD. The FIU should become an agency that functions without interference from other government offices on its core mission to receive and conduct analysis of suspicious financial information, and Burma should supply adequate resources to administrative and judicial authorities for their enforcement of government regulations. Burma should end all policies that facilitate corrupt practices and money laundering, and strengthen regulatory oversight of the formal financial sector, including by strengthening the independence of the Central Bank.

Current Weaknesses in Government Legislation (2013 INCRS Comparative Tables):

According to the US State Department, Myanmar does not conform with regard to the following government legislation: -

Arrangements for Asset Sharing - By law, regulation or bilateral agreement, the jurisdiction permits sharing of seized assets with third party jurisdictions that assisted in the conduct of the underlying investigation.

Ability to freeze assets without delay - The government has an independent national system and mechanism for freezing terrorist assets in a timely manner (including but not limited to bank accounts, other financial assets, airplanes, autos, residences, and/or other property belonging to terrorists or terrorist organizations)

EU White list of Equivalent Jurisdictions

Myanmar is not currently on the EU White list of Equivalent Jurisdictions

World Governance indicators

To view historic Governance Indicators Ctrl + Click here and then select country

Failed States Index

To view Failed States Index Ctrl + Click here

Offshore Financial Centre

Myanmar is not considered to be an Offshore Financial Centre

US State Dept Narcotics Report 2016 (Introduction):

Burma continues to be a major source of opium and exporter of heroin, second only to Afghanistan. Since the mid-1990s, Burma has been a significant source for amphetamine-type stimulants (ATS), primarily methamphetamine. Production sites for heroin and ATS are often co-located and are primarily situated along Burma's eastern borders in areas controlled by ethnic armed groups beyond the Government of Burma's immediate control. The 2015 joint Burma-UN Office of Drugs and Crime (UNODC) illicit crop survey estimated that the total area under opium poppy cultivation was 55,500 hectares (ha), a four percent decrease from 2014's 57,600 ha. ATS production in Burma is also a major concern. In July, 26.7 million ATS tablets were seized in a single case, the largest seizure ever recorded in South East Asia. While there is no reliable methodology to estimate ATS production, information derived from local and regional seizures indicates that ATS production and trafficking is increasing.

The Central Committee for Drug Abuse Control (CCDAC) continues to make efforts to eliminate the use and production of illicit drugs and enforce Burma's narcotics laws. The CCDAC is composed of multiple government entities involved in alternative development, crop substitution, drug treatment, prisons, livestock, and education programs. In addition, 50 Anti-Narcotics Task Force (ANTF) units are located throughout the country, but lack adequate training and resources. The Government of Burma has an underdeveloped legal system with limited capacity to effectively manage the scope and scale of drug trafficking, money laundering, and organized crime endemic in the country. In addition, the government faces the additional challenge of having large swaths of its territory, particularly in drug producing areas, controlled by non-state armed groups. Despite a ceasefire agreement signed on October 15 with eight ethnic armed organizations, national ceasefire and peace process efforts are ongoing and the government continued to lack access to many critical areas in 2015, further hindering its ability to implement an effective counternarcotics strategy. Drug control efforts are also hampered by extremely porous borders with India, China, Bangladesh, Laos, and Thailand that continue to be exploited by traffickers.

Burma is not a significant source or transit country for drugs entering the United States. However, Burma remains a major regional source of opium, heroin, and ATS, particularly for neighboring Thailand, Bangladesh, Laos and China. Anecdotal and government reporting suggests that overall drug abuse in Burma is increasing. Counternarcotics cooperation between the United States and Burma has steadily increased since it resumed in 2011. In September 2014, a Letter of Agreement was signed between the United States and Burma allowing for enhanced cooperation on the fight against illicit drugs and transnational crime.

Corruption

Burma ratified the UN Convention against Corruption in 2012, and enacted a domestic corruption law in 2013. Many inside Burma assume some senior government officials benefit financially from narcotics trafficking, but these assumptions have never been confirmed through high-level arrests and convictions. Credible reports from NGOs and media claim that mid-level military officers and government officials are engaged in drug-related corruption.

The government does not, as a matter of policy, encourage or facilitate the illicit production or distribution of drugs, or the laundering of proceeds from illegal drug transactions.

US State Dept Trafficking in Persons Report 2014 (introduction):

Myanmar (Burma) is classified a Tier 2 (Watch List) country - a country whose government does not fully comply with the Trafficking Victims Protection Act's minimum standards, but is making significant efforts to bring themselves into compliance with those standards.

Burma is a source country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking in other countries. Burmese men, women, and children who migrate for work abroad, particularly to Thailand and China, are subjected to conditions of forced labor or sex trafficking in these countries. Poor economic conditions within Burma continue to drive large numbers of Burmese men, women, and children to migrate through both legal and illegal channels for work primarily in East Asia, as well as destinations including the Middle East, South Asia, and the United States. Men are most often subjected to forced labor, often in the fishing, manufacturing, and construction industries abroad. Women and girls are primarily subjected to sex trafficking or domestic servitude. The large numbers of migrants seeking work in Thailand's fishing and domestic work sectors do so outside formal channels. Some Burmese men in the Thai fishing industry are subjected to debt bondage, passport confiscation, or false employment offers; some are also subjected to physical abuse and are forced to remain aboard vessels in international waters for years. Burmese women are transported to China and subjected to sex trafficking and domestic servitude through forced marriages to Chinese men; there were isolated reports of Burmese government officials complicit in this form of trafficking. Networks on both sides of the Burma-Thailand border facilitated migration of undocumented workers, which often leads to their being trafficked upon arrival in Thailand. During the year, there were increasing reports of Rohingya asylum seekers transiting Thailand en route to Malaysia being sold into forced labor on Thai fishing boats, reportedly with the assistance of Thai civilian and military officials. Unidentified trafficking victims are among the large numbers of migrants deported from Thailand each year.

Within Burma, both government officials and private citizens are involved in trafficking. Military personnel and insurgent militia engage in the forced conscription of child soldiers and continue to be the leading perpetrators of other forms of forced labor inside the country, particularly in conflict-prone ethnic areas. Men and boys are forced through intimidation, coercion, threats, and violence to serve in the Burmese army and the armed wings of ethnic minority groups. There is limited data on the total number of children in Burma's army. Children of the urban poor are at particular risk of conscription. Reports from the UN and former child soldiers indicate that army recruiters target orphans and children alone on the streets and in railway stations; sometimes children are tricked into joining the army and other times they are threatened with jail or physically abused if they do not agree to join.

The Burmese military, and to a lesser extent, civilian officials, used various forms of coercion, including threats of financial and physical harm, to compel victims to provide forced labor. Those living in areas with the highest military presence, including remote border areas and regions of active conflict, are most at risk for forced labor. Military and, to a lesser extent, civilian officials systematically subject civilian men, women, and children to forced labor as porters, manual labor for infrastructure projects, or in state-run agricultural and commercial ventures. International organizations report this practice remains common in conflict regions, particularly in Rakhine State. Since the dissolution of a ceasefire with the Kachin Independence Army in June 2011 and the eruption of sectarian violence in Rakhine State in June 2012, fighting has displaced an estimated 100,000 Kachin and more than 140,000 Rakhine residents, who are highly vulnerable to forced labor and sex trafficking. In 2013, there was reportedly an incident in which a Rohingya woman was kidnapped in Rakhine State and subjected to sexual slavery on a military installation.

Other forms of trafficking also occur within Burma. There have previously been anecdotal reports that some Burmese victims were forced to labor on palm oil and rubber plantations near Kawthaung. Children are subjected to forced labor in tea shops, home industries, agricultural plantations, and in begging. Exploiters subject children and adults to domestic servitude, and girls and boys to sex trafficking, particularly in urban areas. A small number of foreign pedophiles have attempted to enter Burma with the intent to exploit Burmese children.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Ministry of Home Affairs created a specialized division with a dedicated one-year budget in the equivalent of approximately $780,000 to lead anti-trafficking law enforcement activities. Authorities continued to investigate and prosecute cross-border sex trafficking offenses. During the reporting period, the government released 206 boys forcibly recruited into the military's ranks. Despite these measures, the government failed to demonstrate overall increasing efforts to combat trafficking from the previous year. Forced labor of civilians and the forced recruitment of child soldiers by military officials remained serious problems that occurred, often with impunity. The military did not grant unfettered UN access to military bases to inspect for the presence of children during the year. The government undertook few efforts to address trafficking that occurred wholly within Burma, and victim protection efforts remained inadequate. Therefore, Burma is placed on Tier 2 Watch List for a third consecutive year. Burma was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

Latest US State Dept Terrorism Report - 2009

The Government of Burma defined almost all anti-regime activities as "acts of terrorism," making little distinction between peaceful political dissent and violent attacks by insurgents or criminals. The government characterized dissident groups as aligned with terrorist organizations and has used this as justification to scrutinize and disrupt dissident activities. In December 2009, bombs exploded in Rangoon and other parts of Burma. The government attributed the bombings to subversives or insurgents intent on disturbing the stability of the state. Authorities have not made public any evidence of a genuine investigation nor have they identified the specific perpetrator(s). Requests by the U.S. Embassy to view either specific bomb scenes or remaining fragments of explosive devices were consistently denied.

In October, a Government of Burma liaison informed U.S. officials that its Special Branch police had arrested three members of an anti-Burma group that was planning to set off explosives in Rangoon, including targeting the U.S. Embassy. The Burmese liaison advised that the arrested persons were not members of a terrorist organization as defined by the U.S. government. This was a departure from past practice, in which, as noted, the Government of Burma defined all groups allegedly engaged in bombings as terrorists.

International Sanctions

EU Sanctions

The EU first adopted measures including an arms embargo against Burma in 1990 which was subsequently confirmed on 29 July 1991 by the General Affairs Council and Common Position 1996/635/CFSP. This embargo covers weapons and ammunition, weapon and non-weapon platforms and ancillary equipment. It also covers spare parts, repairs, maintenance and transfer of military technology.

The EU has since renewed, modified and extended the scope of the regulations. Council Decision 2013/184/CFSP http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:111:0075:0076:EN:PDF

- embargo on arms and related matériel

- ban on exports of equipment for internal repression

- ban on provision of certain services

- valid until 30.4.2015

- repeal of Council Decision 2010/232/CFSP

On May 20, 1997, the President issued Executive Order 13047 (E.O. 13047) determining that the Government of Burma has committed large-scale repression of the democratic opposition in Burma and declaring a national emergency with respect to the actions and policies of the Government of Burma. E.O. 13047, issued under the authority of section 570(b) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1997 (Public Law 104-208), and the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) (IEEPA), prohibits new investment in Burma by U.S. persons and U.S. persons' facilitation of new investment in Burma by foreign persons.

Bribery & Corruption

Index	Rating (100-Good / 0-Bad)
Transparency International Corruption Index	28
World Governance Indicator – Control of Corruption	17

Corruption and Government Transparency - Report by US State Department

Corruption is endemic in Burma. Due to a complex and capricious regulatory/legal environment and extremely low government salaries, rent-seeking activities are ubiquitous. Bribes are expected – and given – to facilitate many official transactions, from the smallest to the largest. Most citizens view corruption as a normal practice and requirement for survival.

Many economists and businesspeople consider corruption one of the most serious barriers to investment and commerce in Burma. In its 2013 Corruption Perceptions Index, Transparency International rated Burma 157th out of 177 countries, though this was a jump up from its 2012 rating of 172nd out of 177. In their Doing Business 2014 report, the World Bank and the International Finance Corporation ranked Burma 182 out of 189 countries on ease of doing business, citing corruption as a major disruptive force in conducting business in the country. The major areas where investors run into corruption are when seeking investment permits, in the taxation process, when applying for import and export licenses, and when negotiating land and real estate leases.

The Government of Burma appears to recognize the international community's perception of corruption in the country. Consequently, on March 7, 2013, the Government of Burma enacted an Anti-Corruption Law (which stipulates the specific offenses and accompanying punishment in bribery cases as well as includes language on an anti-bribery enforcement mechanism), and followed implementation of the law with its February 25, 2014 formation of a national commission to address bribery and graft (as mandated under the law).

Section 3 - Economy

Since the transition to a civilian government in 2011, Burma has begun an economic overhaul aimed at attracting foreign investment and reintegrating into the global economy. Economic reforms have included establishing a managed float of the Burmese kyat in 2012, granting the Central Bank operational independence in July 2013, and enacting a new Anti-corruption Law in September 2013. The government’s commitment to reform, and the subsequent easing of most Western sanctions, has begun to pay dividends. The economy accelerated in 2012 and 2013. And Burma’s abundant natural resources, young labor force, and proximity to Asia’s dynamic economies have attracted foreign investment in the energy sector, garment industry, information technology, and food and beverages. Foreign direct investment grew from US$1.9 billion in FY 2011 to US$2.7 billion in FY 2012. Despite these improvements, living standards have not improved for the majority of the people residing in rural areas. Burma remains one of the poorest countries in Asia - more than one-fourth of the country’s 60 million people live in poverty. The previous government’s isolationist policies and economic mismanagement have left Burma with poor infrastructure, endemic corruption, underdeveloped human resources, and inadequate access to capital, which will require a major commitment to reverse. The Burmese government has been slow to address impediments to economic development such as an opaque revenue collection system and antiquated banking system. Key benchmarks of sustained economic progress would include modernizing and opening the financial sector, increasing budget allocations for social services, and accelerating agricultural and land reforms.

Agriculture - products:

rice, pulses, beans, sesame, groundnuts, sugarcane; fish and fish products; hardwood

Industries:

agricultural processing; wood and wood products; copper, tin, tungsten, iron; cement, construction materials; pharmaceuticals; fertilizer; oil and natural gas; garments, jade and gems

Exports - commodities:

natural gas, wood products, pulses, beans, fish, rice, clothing, jade and gems

Exports - partners:

Thailand 40.5%, India 14.7%, China 14.2%, Japan 7.4% (2012)

note: import figures are grossly underestimated due to the value of consumer goods, diesel fuel, and other products smuggled in from Thailand, China, Malaysia, and India

Imports - commodities:

fabric, petroleum products, fertilizer, plastics, machinery, transport equipment; cement, construction materials, crude oil; food products, edible oil

Imports - partners:

China 37%, Thailand 20.2%, Singapore 8.7%, South Korea 8.7%, Japan 8.2%, Malaysia 4.6% (2012)

Banking

The Central Bank of Myanmar (CBM) was established in February 1948 under the Union Bank of Burma (Myanmar) Act of 1947. The Bank is now governed by the CBM Law that was enacted in 1990 and which confers upon the Central Bank broad powers to operate with relative independence and to exercise regulatory and supervisory authority over a wide range of financial institutions, both state and privately owned. The CBM is responsible for acting as the adviser to the Government on economic matters; issuance of currency and securities; acting as a banker to the government as well as to financial institutions; formulating and implementing monetary policy; managing the international reserves of the State; controlling foreign exchange transactions; and licensing, inspecting, supervising and regulating financial institutions.

Since 1992, the CBM has granted licenses to domestic private banks to conduct banking business. The CBM has allowed foreign banks to open representative offices in Myanmar since 1990. These representative offices are allowed to deal in liaison business only.

The Myanmar Foreign Trade Bank was established in 1976 under the Bank Law of 1975 and is subject to the Financial Institutions of Myanmar Law enacted in July 1990. The bank conducts most commercial foreign exchange transactions for the Government of Myanmar. The bank renders such banking services as accepting deposits in specified foreign currencies; accepting and confirmation of Bills of Exchange; sales and purchase of travellers' cheques and foreign currencies; and all matters relating to letters of credit, remittances and bank guarantees. The MFTB has no domestic branches but has a correspondent banking network in 48 countries including in England, Hong Kong, Japan, Norway, Singapore and Sweden.

The Myanmar Investment and Commercial Bank commenced business in September 1989, as a subsidiary of the MEB. It became an independent entity in September 1990 under the Financial Institutions of Myanmar Law. The Bank is now functioning as a commercial, investment and development bank for local and foreign investors, joint venture companies, and local and foreign business enterprises. Both domestic banking and foreign facilities are provided by the bank. It has performed its savings deposit taking function since October 1994.

MICB is performing its foreign banking operations through its correspondent network in 25 countries. These include Austria Belgium, China, France, Germany, Hong Kong, Indonesia, India, Italy, Iran, Japan, Korea, England, Macau, Malaysia, Pakistan, Singapore, Thailand and Vietnam.

Stock Exchange

Myanmar has one securities company, the Myanmar Securities Exchange Centre Co., Ltd (MSEC), which is a Joint Venture between the between the Ministry of Finance and Revenue and the Japanese Daiwa Institute of Research and was launched in April, 1996. Generally, trading activities are low and investors hold the shares as another savings instrument.

The establishment of a stock exchange in Myanmar in the near future is unlikely due to state control over the economy, the lack of a credible currency exchange rate and poor regulation of financial institutions and transactions

Section 4 - Investment Climate

Executive Summary

Since 2011, Burma has implemented significant reforms to spur economic development and create an attractive business climate that will generate more inward foreign investment. Promising initial steps addressing some of the core structural challenges facing Burma's economy include: unifying the country's multiple exchange rates, passing a new foreign investment law, reducing trade restrictions, and reforming tax policy and administration. Consequently, the international business community has renewed its interest in Burma and the unique opportunities the country presents. Burma's rich natural resources base, its market potential, its young labor force and its strategic location between India, China and the countries that make up the Association of South East Asian Nations (ASEAN) make it even more attractive to the international community.

In response to ongoing political reform, the United States Government has eased almost all of its economic sanctions on Burma, allowing U.S. investment, the importation of Burmese products into the U.S., and the export of financial services, while the European Union and Australia have lifted their sanctions entirely (except for an arms/military embargo). Remaining U.S. sanctions prevent U.S. persons from dealing with Specially Designated Nationals and restrict the import of Burmese-origin jade and rubies into the United States. As a result of the country's economic liberalization, reduced sanctions, and a favorable external environment, Burma's macroeconomic outlook is largely positive. Growth, led by strong performances in the services and manufacturing sectors, rose to 7.3 percent in fiscal year (FY) 2012/13, and the International Monetary Fund forecasts that growth will further accelerate to 7.5 percent in the medium term. International trade has also increased significantly in the last few years.

Despite the Burmese government's economic reforms and improving economic indicators, the government has more work to do in order to create the foundation for a healthy investment environment that contributes to economic development and attracts foreign interest. The government has limited capacity and is having to prioritize which among its long laundry list of desired reforms to implement first. Currently, the country has many laws and regulations that are outdated and inadequate. Property rights are not well-established and land sequestration and land-grabbing remain major issues. Investor protection and the criteria for foreign investment are not well-defined, and Burma's weak rule of law means that it does not yet have in place the proper mechanisms and instruments for enforcing contracts and property rights and for settling disputes. A lack of reliable data and information adds to the frustration that many foreign investors experience when attempting to look up market data, consumer base information and other capital and financial indicators. Investment approval procedures are not transparent, are overly bureaucratic and complex, and exclude certain sectors, prohibiting foreign participation.

Although Burma has great commercial potential, the key to unlocking that potential is a sound and transparent investment environment through economic reforms that encourage inclusive opportunity and growth. The government's efforts to date point to a positive trajectory in achieving this goal of a sound investment framework but investors should come in with "eyes wide open."

1. **Openness To, and Restrictions Upon, Foreign Investment**

Since 2011, Burma has taken significant reforms to improve its legal and regulatory framework in order to create an attractive business climate that will generate more inward foreign investment. According to the Organisation for Economic Co-operation and Development's (OECD) 2014 Investment Policy Review (IPR) of Burma (http://www.oecd.org/countries/myanmar/investment-policy-reform-in-myanmar.htm), Burma "has initiated a broad reform process to improve its legal and regulatory framework for investment to create a more favorable investment climate [and] the new Foreign Investment Law [signed by President Thein Sein on November 3, 2012 with implementing rules entering into force on January 31, 2013] and its accompanying implementing rules mark a milestone towards a more open and secure legal environment for investment but are only the first step in a long process."

The stated objectives of the 2013 Foreign Investment Law are to support:

- The extraction and export of the rich natural resources of the state for the benefit of the people;
- The creation and accumulation of jobs for the people;
- The development of human resources;
- The development of infrastructure such as banking and finance, modern roads, interstate highways, production of electricity and energy, and modern information technology;
- Transportation of rail, water and air via an international standard to enable citizens to do business throughout the world;
- The advent of businesses and investments which are in line with established international practices and norms.

The law's stated objectives point to a positive, forward-thinking approach by the government. In general, investors feel that the new Foreign Investment Law offers some improvements over the 1988 Foreign Investment Law by clearly spelling out certain responsibilities and powers granted to the government with regards to approval of investments. Nonetheless, the OECD notes that the new Foreign Investment Law "still leaves many questions unanswered, notably with respect to investor protection and the procedures for admitting foreign investors." In addition, Burma's current regulatory investment framework remains complex, and can cause confusion for investors given the numerous laws that regulate the entry of investors depending on the sector and the location, and depending on whether the investor is local or foreign. Investors have also complained that the government's investment approval process (outlined below) is opaque, complex, onerous with regard to the paperwork required, and lengthy. Investors have also noted that the increase of foreign investor scrutiny of the country and the increase of investment proposals have overburdened the government, thereby creating a bottleneck when it comes to investment approvals.

In addition to the general problems described above, the Foreign Investment Law continues to limit certain types of foreign investment. Specifically, under the Foreign Investment Law, foreign investments cannot be made in the following businesses and services:

- administration and conservation of natural forests;
- production of traditional medicines;
- drilling of oil wells whose depth does not exceed 1,000 feet;
- small and medium scale mining;
- cultivation and production of traditional herbal plants;
- wholesale trading of components and scrap-iron;
- traditional food production;
- production of religious items and wares;
- production of traditional and cultural items and wares;
- handicraft production;
- private specialist traditional hospitals;
- trading of raw materials used for traditional medicines;
- medical research and operation of laboratories for traditional medicine;
- ambulance services;
- care centers for the elderly;
- catering on trains, freight forwarding using trains, cleaning of coaches, management of trains;
- agency services;
- [erection and operation of] power plants with less than 10 megawatts; and
- printing, publishing and distribution of periodicals in local languages spoken in Myanmar, including the Myanmar language.

The implementing rules also restrict foreign investment in certain agriculture and farming businesses, certain animal husbandry businesses, certain fishery businesses. In addition, the implementing rules list those sectors requiring a joint venture (with a maximum of 80 percent foreign equity), as well as other foreign equity limitations and joint ventures permitted only with the state.

The Foreign Investment Law has no minimum capital requirement for foreign ownership, except for joint ventures in restricted sectors, although individual ownership requirements can be established by the Myanmar Investment Commission (MIC) (see below).

In addition to the Foreign Investment Law, the State-Owned Economic Enterprises Law, enacted in March 1989 and still in effect today, also regulates certain investments and economic activities. Under this law, state-owned enterprises (SOEs) have the sole right to carry out the following economic activities:

- extraction of teak and sale of the same in the country and abroad;
- cultivation and conservation of forest plantations, with the exception of village-owned firewood plantations cultivated by the villagers for their personal use;
- exploration, extraction, sale, and production of petroleum and natural gas;
- exploration, extraction, and export of pearls, jade, and precious stones;
- breeding and production of fish and prawns in fisheries that have been reserved for research by the government;
- postal and telecommunications services;
- air transport and railway transport services;
- banking and insurance services;
- broadcasting and television services;
- exploration, extraction, and exports of metals;
- electricity generating services, other than those permitted by law to private and cooperative electricity generating services; and
- manufacturing of products relating to security and defense.

However, the MIC, "in the interest of the State," can make exceptions to this law. In the past, the MIC has routinely granted numerous exceptions including through joint ventures or special licenses in the areas of banking (for domestic investors only), mining, petroleum and natural gas extraction, telecommunications, radio and television broadcasting, and air transport services. The 2012 Foreign Investment Law and its implementing regulations continue to grant the MIC broad discretion with regard to its decisions on investments. This can at times be beneficial to investors wishing to engage in economic activities in certain prohibited economic sectors. For example, in 2013, the government opened a tender for the provision of telecommunication services to foreign companies, without any joint venture or local partnership requirements. The tender, widely regarded as fair and transparent, led to the government's decision in June 2013 to award operating licenses to Norwegian telecommunications company Telenor and Qatar-based Ooredoo. MIC's discretionary authority thus allowed Telenor and Ooredoo to engage in the otherwise prohibited telecommunications sector.

This level of discretion allowed to the MIC is concerning. Although, as the OECD 2014 IPR notes, the system gives the government flexibility "to open progressively and selectively to foreign investment and to try to maximize the potential benefits from that investment," the same flexibility also creates uncertainty for investors "concerning the criteria upon which the decision to admit them is based [and] creates opportunities for corruption when individual officials are given responsibility for deciding on what basis to admit an investment project."

In addition to providing the MIC with broad discretionary authority as evidenced above, the Foreign Investment Law also outlines the procedures the MIC must take in considering foreign investments. Investment approvals are made on a case-by-case basis, and interested foreign investors must first submit a proposal through the MIC, after which the MIC will vet the proposal and then vote on its approval. Final approval comes from U Win Shein, Chairman of the MIC. Although the MIC has no power to protect foreign companies, there is no evidence that the MIC discriminates against foreign investors. It should be noted that the MIC does not record some foreign investments if they do not require MIC approval, particularly for investors forming a joint venture with a military-controlled enterprise. Many smaller investments may also go unrecorded. Once licensed, foreign firms may register their companies locally, use their permits to obtain resident visas, lease cars and real estate, and obtain new import and export licenses from the Ministry of Commerce. Foreign companies may register locally without an MIC license, but in which case they are not entitled to receive the benefits and incentives provided for in the Foreign Investment Law.

In April 2013, the MIC's secretariat, the Directorate of Investment and Company Administration (DICA) launched a service center in Rangoon to facilitate company registration for foreign investors. The center serves as a one-stop shop, hosting representatives from relevant ministries. In order to further promote investment, the government intends to completely relocate DICA to Rangoon by mid-2014.

Please find below contact information for the MIC:

- Chairman U Win Shein
- Myanma Investment Commission
- Office No.32, Nay Pyi Taw
- Myanmar
- Tel: 067-406075, 067-406342, 067-406122 (Director General)
- Contact: U Aung Naing Oo, Director General, Directorate of Investment and Company Administration (DICA)

The government taxed overseas remittances prior to 2012. This contributed to the popularity of informal money transfer networks (aka the "hundi" system). Many overseas workers continue to use the hundi system to remit their money home though the volume of these informal transfers is declining gradually. Banks began introducing remittance services during 2012 and the volume of such formal transfer is low but growing, according to local bank managers, who forecast that they will overtake hundi remittances in two or three more years. According to the Foreign Investment Law, foreign investors have the right of remittance of foreign currency. Foreign investors are allowed to remit foreign currency overseas through banks which are authorized to conduct foreign banking business at the prevailing exchange rate.

In March 2014, the government passed the Union Taxation Law, which came into effect April 1, 2014. The law contains provisions on capital gains as well as income tax rates. Observers opine that the government introduced the new law, that includes some lowered tax rates and new tax breaks, as an incentive to reign in endemic tax evasion and illegal trade.

The Union Taxation Law stipulates income tax rates. Incomes taxes are payable in kyat and assessed at the following rates:

- between 1 to 2 billion kyat 0%
- between 2 to 5 billion kyat 5%
- between 5 to 10 billion kyat 10%
- between 10 to 20 billion kyat 15%
- between 20 to 30 billion kyat 20%
- over 30 billion kyat 25%

The law states that Burmese citizens residing abroad must pay, in foreign currency, a 10% income tax on their total income earned abroad (with certain exceptions). A company registered and incorporated in Burma must pay a 25% income tax on its total income.

Under the Union Taxation Law, capital gains from the sale and transfer of assets of companies conducting business in oil and gas sector is payable in kyat, even if the capital gain was in a foreign currency. Capital gains are assessed at the following rates:

- up to 100 billion kyat 40%
- between 100 and 150 billion kyat 45%
- over 150 billion kyat 50%

The Burmese armed forces are involved in many commercial activities via the Union of Myanmar Economic Holdings, Ltd. (UMEHL) and the Myanmar Economic Corporation (MEC). Foreign firms have in the past reported that an affiliation with UMEHL or MEC helped them receive the proper business permits when setting up a joint venture. Nonetheless, entering into business with UMEHL or MEC does not guarantee success for foreign partners. Under General License No. 17 issued by the Department of Treasury's Office of Foreign Assets Control (OFAC) on July 11, 2012, U.S. businesses are not allowed to invest or enter into an agreement with the Burmese Ministry of Defense or any state or non-state armed group, or any entity in which any of the above own a 50 percent or greater interest.

Although the majority of import/export procedures have not changed, the government has moved from a discretionary to an automatic licensing system since 2010/2011. As a result, licenses are no longer issued only in the administrative capital of Nay Pyi Taw, about 230 miles north of Rangoon, and the time required for obtaining licenses has decreased markedly since mid-2011 from approximately two weeks to 1 day for most items. Most exports permits are issued in Rangoon but some can also be issued by government branch offices at certain border towns such as Muse, Shwe Li and Myawaddy; import permits are issued in both Nay Pyi Taw and Rangoon, with wait times ranging from approximately 1 day in most cases to a maximum of one week.

TABLE 1: The following chart summarizes several well-regarded indices and rankings.

Measure	**Year**	**Rank or Value**	**Website Address**
TI Corruption Perceptions Index	2013	157 of 177	http://cpi.transparency.org/cpi2013/results/
Heritage Foundation's Economic Freedom Index	2013	162 of 177	http://www.heritage.org/index/ranking
World Bank's Doing Business Report "Ease of Doing Business"	2013	182 of 189	http//doingbusiness.org/rankings
Global Innovation Index	2013	Not ranked	http://www.globalinnovationindex.org/content.aspx?page=gii-full-report-2013#pdfopener
World Bank GNI per capita	2012	Not included	http://data.worldbank.org/indicator/NY.GNP.PCAP.CD
OECD FDI Regulatory Restrictiveness Index	2013	0.356 on a scale of 0-1	http://stats.oecd.org/Index.aspx?datasetcode=FDIINDEX#

2. Conversion and Transfer Policies

In past years, foreign investors have encountered difficulties in legally transferring their net profits abroad. U.S. sanctions imposed in 2003 prohibited the export or re-export of financial services to Burma, which eliminated dollar denominated transactions and essentially cut off Burma from the world's financial system. However, there have been several major changes to the financial and banking system in Burma over the last two years. These changes, in turn, have led to increased foreign bank participation in addition to the entrance of U.S. and foreign financial service providers to the Burmese market.

On April 2, 2012, Burma's multiple exchange rates were abolished and the Central Bank of Myanmar established a managed float of the Burmese kyat with an initial auction at 818 kyat per one U.S. dollar. The kyat has appreciated gradually since then and the exchange rate during the first quarter of 2014 was approximately between 970 to 990 kyat / dollar.

Currently, the Central Bank of Myanmar allows 11 domestic banks to conduct international currency transactions. Although under current Burmese law foreign banks are not allowed to operate in Burma, they are allowed to set up representational offices to explore the market, and to date, according to the Myanmar Central Bank, there are currently 35 such representational offices. In addition to foreign bank presence in Burma, U.S. companies such as Visa and MasterCard have also entered the market, and to date, there are no less than eight banks that allow automated teller machine (ATM) withdrawals using Visa and MasterCard.

According to the Foreign Investment Law, foreign investors have the right of remittance of foreign currency. Foreign investors are allowed to remit foreign currency overseas through banks which are authorized to conduct foreign banking business at the prevailing exchange rate.

In practice, the transfer of money in or out of Burma has been difficult, as many international banks have been slow to update their internal prohibitions on conducting business in Burma given the long history of U.S. and European sanctions that had isolated the country. The majority of foreign currency transactions are conducted through banks in Singapore. Despite the absence of any legal impediment, it appears that some U.S. banks still refuse to conduct money transfers to and from Burma. According to press reports and statements by government officials, the Central Bank of Myanmar plans to allow a limited number of foreign banks to open subsidiaries or branches in Burma in 2014, though the scope of financial services which they can provide will likely be limited.

Despite recent reforms, Burma's banks continue to face a number of significant regulatory restrictions that limit the growth of lending, though deposits have grown significantly over the past years, albeit from a low base. According to official figures published by Burma's Central Statistical Organization, total bank deposits by the end of November 2013 were approximately $10.4 billion. As these limits are eased in the coming months and years, prompting further growth, the Government of Burma will need to address weaknesses in the country's supervisory and regulatory framework and in the internal business practices of private and government-linked banks.

3. Expropriation and Compensation

According to the OECD 2014 IPR, Burma's "expropriation regime . . . does not appear to protect investors against indirect expropriations." In addition, it reports that Burma has not incorporated the principle of non-discrimination into its investment framework. Other than a constitutional safeguard that states that the government will not nationalize economic enterprises, there is no specific provision in Burma's legislation against expropriation without compensation. The Foreign Investment Law prohibits nationalization and states that foreign investments approved by the MIC will not be nationalized during the term of their investment. Specifically, the law states that "the Union Government guarantees that a business formed under the law shall not be nationalized within the term of the contract or the extended term if such term is extended.” In addition, the law guarantees that the Government of Burma will not terminate an investment enterprise without reasonable cause, and on upon expiry of the contract, the Government of Burma guarantees an investor the withdrawal of foreign capital in the foreign currency in which the investment was made. Finally, the law states that “the Union Government guarantees that it shall not cease an investment enterprise operating under a Permit of the Commission before the expiry of the permitted term without any sufficient reason.”

Aside from the possibility of outright expropriation by the Government of Burma, private businesses have been subject to predatory practices by regime-linked cronies. Given the weak rule of law in Burma and the pervasive and powerful system of patronage, larger and more well-connected entities have generally been able to muscle out smaller competitors by denying access to markets, forcing the sale of assets, or otherwise disrupting business operations. However, public scrutiny of businesses is beginning to increase due to a more free and vibrant local press and an increasingly energetic Parliament, and beginning to limit – or at least reduce the overt exercise of –such practices.

4. Dispute Settlement

It is unclear on what grounds access to alternative dispute resolution, such as international arbitration, is an available option for foreign investors. According to the Foreign Investment Law, when disputes cannot be settled amicably between the parties concerned, the dispute should be settled according to the dispute settlement provisions of the “agreement” or in accordance with Burmese law if the contact contains no dispute settlement provisions, and that investors will inform the MIC about the dispute’s circumstances as well as which mechanisms will be used to settle the dispute. According to the OECD, however, the exact meaning in the law of the term “agreement” is not specified, and observers are confused if “agreement” refers to contracts concluded between state authorities and individual foreign investors, or whether it also refers to bilateral investment treaties containing an investor-state dispute settlement provision. The OECD notes that lack of clarity on this front makes the dispute settlement regulations “vague on what options are de facto made available to investors seeking to resolve their disputes.”

In the past, private and foreign companies suffered major disadvantages in disputes with Government of Burma and quasi-governmental entities. Foreign investors generally prefer to use the 1944 Arbitration Act, which allows for international arbitration. The Burmese government usually tried to stipulate local arbitration in all contracts it signed with foreign investors.

In order to address the concerns of foreign investors about dispute settlement in Burma, the government did take the significant step of acceding, on April 16, 2013, to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“New York Convention”). However, it has not yet drafted domestic legislation to implement the New York Convention.

Courts are neither independent nor impartial, thereby making local arbitration unreliable. Companies facing adverse administrative decisions have no recourse. In addition, Burma is not a member of the International Center for the Settlement of Investment Disputes. The Attorney General's Office and the Supreme Court exercise nominal control over the legal system in Burma, but neither body is independent of the government.

Burmese criminal and civil laws are modeled on British law introduced during the colonial period, which ended in 1948. Every township, state, and division has its own law officers and judges. Following the transfer of power to a civilian government in March 2011, the regional military commanders and military authorities at the township, state, and divisional level no longer have authority over judicial decisions at the local and state/division level, although they still wield considerable influence that varies from region to region. Foreign companies have the right to bring cases to and defend themselves in local courts, but this option is rarely exercised due to concern about the impartiality of the courts. Foreign investors involved in conflicts with the government are unlikely to receive a court ruling in their favor.

There is no bankruptcy law in Burma, and antiquated insolvency laws – such as The Insolvency Act of 1910 and The Insolvency Act of 1920 – are rarely used.

5. Performance Requirements and Investment Incentives

According to Article 27 of the Foreign Investment Law, in order to promote foreign investment, the Government of Burma will grant new investors a five year tax holiday with an option for further exemption if the enterprise is "beneficial to the State." The new Foreign Investment Law also details several other exemptions and avenues of relief such as a three year exemption on custom duties and the relief from commercial tax for goods produced for export. In addition, Article 27 (j) grants an exemption from customs duty or other internal taxes for any machinery or equipment, or materials imported in order to expand the business.

Article 24 of the Foreign Investment Law states that new foreign investment funded enterprises must have Burmese citizens comprise 25 percent of their total skilled employees/workforce by the first two years of operating, 50 percent by the subsequent two years, and 75 percent by the third two-year period. The law grants the MIC power to extend the time limit to employ Burmese workers for "knowledge-based business."

Any enterprise operating under the Foreign Investment Law or the Myanmar Companies Act must pay income tax at a 25 percent tax rate effective April 1, 2012. Withholding tax on royalties and interest is 15 percent for resident foreigners and 20 percent for non-resident foreigners. Tax collection in Burma is, in practice, extremely lax, but foreign investors are an easy target for cash-strapped tax authorities. The Burmese fiscal year ends March 31; tax returns are due by June 30.

The recently-passed Myanmar Economic Zones Law also contains certain investment incentives for investors. Under the law, investors located in a Special Economic Zone (SEZ) may apply for income tax exemption for the first five years from the date of commencement of commercial operations, followed by a reduction of the income tax rate by 50% for the proceeding five year period. Under the law, if profits during the next third five year period are re-invested within one year, investors can apply for a 50% reduction of the income tax rate for profits derived from such re-investment.

6. Right to Private Ownership and Establishment

To date, foreigners cannot purchase and own land or condominiums in Burma and – until September 2011 – could only rent property on a short-term basis, with leases typically limited to one year. However, according to Article 31 of the Foreign Investment Law, foreign investors may, depending on the type and value of investment, lease land for a period of up to 50 years and renewable for a further two 10-year periods. In order to do so, the foreign entity must first obtain permission from the MIC in order to lease land in Burma. In addition, a private entity can establish, buy, sell, and own a business only with the review and approval of the MIC. The Government of Burma has also drafted a new condominium law (to date, not yet passed) that would allow foreigners to purchase condominiums, but under strict rules that limit the condominium developer from selling and transferring no more than 40 percent of the condominiums on the sixth floor and above of the building to foreigners.

Most real estate transactions in Burma require cash, although banks have begun limited introduction of a consumer lending product that resembles a mortgage loan. Regular bank loans are difficult to obtain and are not available to foreigners. In accordance with The Transfer of Immovable Property Restriction Law of 1987, mortgages of immovable property are prohibited if the mortgagee is a foreigner, foreign company or foreign bank.

7. Protection of Property Rights

On paper, Burma has a legal system which protects and facilitates the acquisition and disposition of property such as land and buildings. However, judicial decisions can often be influenced through government interference, personal relationships or bribes, resulting in a judicial process that is perceived as far from impartial and fair. Burma also suffers from an antiquated legal system and outdated legislation; many laws are vague and often subject to manipulation. A lack of rule of law and an ineffective, corrupt judiciary pose major challenges for U.S. private sector constituents looking to do business in Burma. Furthermore, local entities may engage in deceptive, coercive activities by bribing local judges or using personal connections to obtain favorable judgments.

In addition to deficient rule of law, Burma does not have adequate intellectual property rights protection. Patent, trademark, industrial design, and copyright laws and regulations are antiquated and deficient, and there is minimal regulation and enforcement of existing statutes. For example, the registration of patents and designs in Burma is still governed by the Indian Patents and Designs Act of 1911, enacted under British colonial rule. The British colonial government also published a Copyright Act in 1914, but neither the colonial government nor the Government of Burma ever instituted a means to register copyrights. Consequently, there is no legal protection in Burma for foreign copyrights. In addition, Burma has no trademark law, although trademark registration is possible. Some firms place caution notices in local newspapers to declare ownership of their trademarks. After publication, the owners can take criminal and/or civil action against trademark infringers. Title to a trademark depends on use of the trademark in connection with goods sold in Burma.

The lack of adequate intellectual property rights translates to piracy and other intellectual property rights violations in Burma. Piracy of music CDs, video CDs, CD-ROMS, DVDs, books, software, and product designs is evident nationwide, especially in border regions and in the two major urban centers of Rangoon and Mandalay. Most consumers of information technology products in Burma, both in the private sector and in government, use pirated software. Given the small number of local customers, poor state of the economy, and lack of infrastructure (e.g., unreliable electricity for manufacturing), piracy does not have a significant adverse impact on U.S. products.

The Government of Burma is attempting to address these legal deficiencies and the high level of piracy within Burma. After Burma joined ASEAN in 1997, it agreed to modernize its intellectual property laws in accordance with the ASEAN Framework Agreement on Intellectual Property Cooperation. The Ministry of Science and Technology has drafted four new intellectual property laws – on trademarks, copyrights, patents, and industrial design – with the aim of creating a modern, comprehensive legal framework for intellectual property rights and improving Burma's business climate. The Ministry of Science and Technology has received advice from external stakeholders and experts during the drafting process. It expects to submit the draft laws to Parliament during 2014. The Government of Burma is also exploring the establishment of a single national Intellectual Property Office that would monitor compliance with intellectual property laws and be responsible for further developing intellectual policy and regulations. In addition, the World Trade Organization (WTO) has delayed required implementation of the Trade Related Aspects of Intellectual Property (TRIPs) Agreement for Least Developed Nations – including Burma – until 2021.

For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profile for Myanmar at http://www.wipo.int/directory/en/.

Embassy point of contact: James Shea - SheaJJ@state.gov

Local attorneys list: http://burma.usembassy.gov/legal_assistance.html

8. Transparency of the Regulatory System

Burma lacks regulatory and legal transparency. Though the current government has made efforts to become more transparent, in the past all existing regulations, including those covering foreign investment, import-export procedures, licensing, and foreign exchange, were subject to change with no advance or written notice, and without opportunity for public comment. The government continues to issue new regulations or laws often with no advance notice and little if any opportunity for review or comment by domestic or foreign market participants. In 2012 and 2013, the Government of Burma did publish new regulations and laws in government-run newspapers and "The Burma Gazette" more frequently than in the past.

Burma's written health, environmental, tax, and labor laws do not impose a major burden on investment. However, the unpredictable nature of the regulatory and legal situation – and irregular enforcement of existing laws -- makes investment in Burma extremely challenging without good and well-connected local legal advice.

9. Efficient Capital Markets and Portfolio Investment

Burma has extremely small equity and debt markets in which foreigners cannot engage, and average citizens do not have portfolio investments. Banks are the primary buyers of government bonds issued by the Central Bank of Myanmar, which has established a fledgling bond market auction system. The Central Bank of Myanmar issues government treasury bonds with maturities of two, three and five years. Several Burmese companies sell bonds privately on a very small scale.

Burma has one stock exchange, the Myanmar Securities Exchange Center, a joint venture of Myanmar Economic Bank and Japan's Daiwa Institute of Research. Almost no activity takes place on this unregulated stock exchange except for over-the-counter trading of government treasury bonds. However, on July 30, 2013, the Securities Exchange Law came into effect. The law provides the framework for the establishment of a stock exchange and is meant to promote the development of a market-oriented system, safeguard the participants who take part in the securities exchange certificate market, and encourage more participation by the public in financial markets. Specifically, the new law establishes a securities and exchange commission, the main regulatory body to supervise the securities market, as well as sets out licenses available for securities businesses (such as dealing, brokerage, underwriting, investment advisory and company's representative). In addition, the law provides for the establishment of an over the counter market, specifies the prohibited acts relating to securities trading (e.g. insider trading) and the penalties, and provides for the establishment of a securities depository and clearing business.

Implementation of the Securities Exchange Law is a positive step toward the development of an equity market. In 2012, the Central Bank of Myanmar signed a Memorandum of Understanding with the Tokyo Stock Exchange and Daiwa Securities Group to establish a fully-operational stock exchange by 2015. Observers had expressed concern that this target would be missed because of slow progress on establishing a regulatory framework and a securities regulator. Despite passage of the Securities Exchange Law, however, it is unclear whether it will be effectively implemented, including the establishment of a credible and securities regulatory commission, by 2015 and whether many Burmese companies will be ready to list on the new exchange.

Private companies, whether foreign or domestically controlled, are generally small in size. Usually, a small number of people or entities, often within the same family, closely hold the business shares.

10. Competition from State-Owned Enterprises

As noted, the Government of Burma reserves for state-owned enterprises many lucrative sectors and sectors deemed sensitive. According to the 1989 State-Owned Economic Enterprises Law, state-owned enterprises have the sole right to carry out certain economic activities (see above in Section 1).

Corporate governance of state-owned enterprises is not transparent, and state-owned enterprises are not required by law to publicly release annual reports. In general, a regulatory framework for corporate governance, including both private sector companies and state-owned ones, is lacking. In addition, the Government of Burma requires that state-owned enterprises use only state-owned banks for their financial transactions. Private enterprises do not compete on the same terms and conditions as state-owned enterprises. As a result, Burmese state-owned enterprises are inefficient and are unlikely to be able to compete with the private sector, especially foreign companies, on a level playing field.

Starting in 2012, the Government of Burma began taking steps to reduce state-owned enterprises' reliance on government support and to make them more competitive through joint ventures. This included reducing budget subsidies for financing the raw material requirements of state-owned enterprises. The Government of Burma also continued efforts to privatize or lease enterprises and real estate properties to both foreign and domestic investors. Additional tenders for the sale or lease of state-owned enterprises and properties are expected during 2014.

Burma does not have a sovereign wealth fund.

11. Corporate Social Responsibility

Burma does not have a deep awareness of Corporate Social Responsibility (CSR). Many local companies (and some international firms) still equate CSR with in-kind donations or charitable contributions. Burma is a deeply religious country with the majority of its residence practicing the Buddhist religion which holds that one may increase one's standing in the cycle of reincarnation by "making merit" through acts of charity. As a result, most Burmese business owners, including so-called cronies, often donate money, build schools, hospitals, low-rent apartments or even pay above the market wage as a result of their Buddhist faith.

Private companies owned by foreign nationals from China, South Korea, Japan or other ASEAN countries may practice some form of CSR, but such practices are largely absent in the Burmese market. Several U.S. companies are actively incorporating CSR as an integral part of their entry (or pre-entry) strategy for Burma.

The Government of Burma does not have in place corporate governance, accounting, or executive compensation standards. Nonetheless, since 2011, Burmese civil society organizations have become more vocal in protesting against companies or government sponsored projects which they view as violating social standards.

12. Political Violence

There were no instances of political violence against Americans in 2013. Although political demonstrations and rallies are normally peaceful, spontaneous rioting, and attacks on individuals can occur due to the density of most gatherings and the mob mentality of unaccountability/anonymity that often prevails. Burma experienced sporadic bombing attacks in 2010 and 2011. In October 2013, an improvised explosive device, one of several employed over a 24 hour period, went off in a downtown Rangoon hotel, wounding many including an American woman. There is no indication that these attacks targeted U.S. citizens or U.S. interests. Local authorities regularly claim to discover explosive devices at various locations throughout Burma. In most cases, no groups claim responsibility.

While violence or demonstrations rarely target American or other Western interests in Burma, several ethnic groups are engaged in ongoing civil conflict with the Government of Burma. For decades, there has been anti-government insurgent activity in various locations, particularly near Burma's borders. These border areas have seen sporadic fighting between government forces and insurgent groups throughout the past 50 years. Currently, most ethnic minority groups have signed cease fire agreements with the central government. Nonetheless, in Kachin State, in northern Burma on the border of China, instances of armed clashes between the Kachin Independence Army (KIA) and the Burmese Army have flared up since June 2011.

Certain states in Burma also experience inter-communal violence. Violence between Buddhists and Muslims has led to enhanced international scrutiny. In 2012, riots and associated violence in Rakhine State in the western part of Burma left nearly 200 people dead and thousands displaced. In March 2013, in Meiktila in central Burma, violence between Buddhists and Muslims left more than 40 people dead. More recently, in March 2014, riots and looting in the capital of Rakhine State led to the destruction of international non-governmental organizations' (INGO) properties and supplies, and led to the mass evacuation of INGO staff. The national government reports that it is attempting to address and quell the violence.

For the latest security information, U.S. citizens living and traveling abroad should regularly monitor the Department of State's Consular Affairs website at http://travel.state.gov, where the current Worldwide Caution, Travel Alerts, Travel Warnings and health-information resources can be found.

13. Corruption

Corruption is endemic in Burma. Due to a complex and capricious regulatory/legal environment and extremely low government salaries, rent-seeking activities are ubiquitous. Bribes are expected – and given – to facilitate many official transactions, from the smallest to the largest. Most citizens view corruption as a normal practice and requirement for survival.

Many economists and businesspeople consider corruption one of the most serious barriers to investment and commerce in Burma. In its 2013 Corruption Perceptions Index, Transparency International rated Burma 157th out of 177 countries, though this was a jump up from its 2012 rating of 172nd out of 177. In their Doing Business 2014 report, the World Bank and the International Finance Corporation ranked Burma 182 out of 189 countries on ease of doing business, citing corruption as a major disruptive force in conducting business in the country. The major areas where investors run into corruption are when seeking investment permits, in the taxation process, when applying for import and export licenses, and when negotiating land and real estate leases.

The Government of Burma appears to recognize the international community's perception of corruption in the country. Consequently, on March 7, 2013, the Government of Burma enacted an Anti-Corruption Law (which stipulates the specific offenses and accompanying punishment in bribery cases as well as includes language on an anti-bribery enforcement mechanism), and followed implementation of the law with its February 25, 2014 formation of a national commission to address bribery and graft (as mandated under the law).

14. Bilateral Investment Agreements

Burma has signed several bilateral investment agreements, also known as "Protection and Promotion of Investment" agreements, with the Philippines, China, Laos, Vietnam, Thailand, Kuwait, and India. Observers opine that these agreements have had little impact on enhancing incoming investment from other countries in the region. More recently, on December 15, 2013, Japan and Burma signed a bilateral investment agreement, and in January 2014, Burma signed an investment guarantee treaty with Korea. On May 21, 2013, the United States and Burma signed a Trade and Investment Framework Agreement (TIFA). It is still too early to tell what impact, if any, these agreements will have in enhancing investment in Burma. Burma has also engaged in investment treaty negotiations with Japan, Russia, Mongolia, Bangladesh, Korea, Iran, Israel, Serbia, and Hong Kong, China.

Through its membership in ASEAN, Burma is also a party to the ASEAN Comprehensive Investment Agreement, as well as to the ASEAN-Australia-New Zealand Free Trade Agreement, the ASEAN-Korea Free Trade Agreement, and the China-ASEAN Free Trade Agreement, which all contain an investment chapter that provides protection standards to qualifying foreign investors.

Burma has bilateral trade agreements with Bangladesh, Sri Lanka, China, South Korea, Laos, Malaysia, the Philippines, Thailand, and Vietnam in the Asian region, as well as with a number of Eastern European countries.

15. OPIC and Other Investment Insurance Programs

On February 6, 2014, the Export-Import Bank of the United States (Ex-Im Bank) announced that it would open for business in Burma to help finance short-term and medium-term U.S. export sales. Ex-Im Bank can now provide export-credit insurance, loan guarantees and direct loans for creditworthy export sales to Burma. Short-term insurance is available for sovereign transactions with repayment terms of 180 days or less, and up to 360 days for capital goods. Medium-term insurance, loan guarantees and loans are available for sovereign transactions with terms typically up to five years. The Ex-Im Bank is also able to provide long-term support in Burma, provided there are financing arrangements that eliminate or externalize country risks, such as asset-backed financings and structures that earn revenues offshore in a third country.

On December 17, 2013, Burma became a member of the World Bank's Multilateral Investment Guarantee Agency (MIGA), which means that direct foreign investment into the country is eligible for the agency's investment guarantees.

Overseas Private Investment Corporation (OPIC) programs are not yet available for Burma.

16. Labor

Until March 2012, independent labor unions were illegal in Burma, and workers were not allowed to organize, negotiate, or in any other legal way exercise control over their working conditions. However, in October 2011, the Government of Burma passed the Labor Organization Law, which legalized the formation of trade unions and allows workers to go on strike for the first time in Burma's modern history. The Labor Organization Law took effect in March 2012 and by March 2014, roughly 900 enterprise level unions had been formed in a variety of industries ranging from garments/textiles to agriculture to heavy industry. Though the passage of the Labor Organization Law has engendered a nascent labor movement in Burma, due to the former suppression of the labor movement, there is a very low level of awareness of labor issues among workers, employers, and even government officials, although labor groups and unions as well as other civil society actors are devising awareness-raising campaigns in order to educate workers on their rights.

Burma's labor costs are very low, even when compared to most of its Southeast Asian neighbors. Older Burmese, particularly those over 65 years of age, are generally well-educated. Many studied English in mission schools during the British colonial and early independence period. Nonetheless, the military's nationalization of schools in 1964, its discouragement of English language classes in favor of Burmese, the lack of investment in education by the Government of Burma, and the repeated closing of Burmese universities over the past 20 years have taken a toll on the country's young. Skilled labor and managerial staff are in high demand and short supply, leading to high turnover. Most in the 15-39 year old demographic group lack technical skills and English proficiency. In order to address this gap, the Government of Burma's Employment and Skill Development Law entered into effect in December 2013. Among other things, the law provides for compulsory contributions on the part of employers to a "skill development fund", although this provision has not been implemented yet.

Although government regulations set a minimum employment age, wage rate, and maximum work hours, managers do not uniformly observe these regulations, especially in the private sector. In 2009, the Ministry of Finance and Revenue set the minimum wage at 1000 kyat (roughly $1.17) per day. The Ministry of Finance and Revenue has raised government salaries regularly since 2010 but has not revised the minimum wage for other workers. An average worker in Burma earns about 1500 kyat (roughly $1.76) per day, although this amount can be more or less depending on the type of work and whether it is in urban or rural areas. On March 22, 2013, the Government of Burma's Minimum Wage Law came into effect. The law, however, does not update or specify Burma's minimum wage, and instead mandates the creation of a National Committee made up of government, private sector and civil society representatives to determine a minimum wage and it application.

The Government of Burma has utilized forced labor in its construction of commercial enterprises and for porterage and military building. In addition, Burma has been condemned for recruitment and use of child soldiers in armed combat by the military and by non-state armed groups. These labor practices are inconsistent with Burma's obligations under several International Labor Organization (ILO) Conventions. Because of these practices, the ILO had imposed sanctions against Burma since 2000. Recent progress in labor rights and reform, however, led to the ILO suspending its sanctions against Burma in June 2012.

In addition to passage of the Labor Organization Law (see above), in March 2012, the Government of Burma passed the Ward or Village Tract Administration Law which defines, prohibits and criminalizes the use of forced labor in Burma, and simultaneously repealed an old colonial era law that had sanctioned the practice. In December 2013, the Government of Burma ratified ILO Convention 182 on the elimination of the worst forms of child labor. The ILO continues to work with the Burmese Government on forced labor issues under the Supplementary Understanding on Forced Labor which was signed in February 2007 and renewed in January 2012, and will also engage with the Government of Burma on the issues of child soldiers and child labor. The United States strongly supports ILO activities in Burma.

Although the government does not publish unemployment figures, anecdotal evidence indicates a level of unemployment as high as 20% and underemployment in formal, non-agricultural sectors. The IMF estimates a 4.02% unemployment rate in 2013.

17. Foreign Trade Zones/Free Ports

The government has set aside 19 "industrial zones," large tracts of land surrounding Rangoon, Mandalay, and other major cities, and is exploring the creation of another seven industrial zones. However, all these areas are merely zoned for industrial use and none of them come with any special services or investment incentives.

Burma enacted a Special Economic Zone Law in January 2011 that was quickly replaced by the Myanmar Economic Zones Law which President Thein Sein signed into law on January 23, 2014. As noted above, under the new law, investors located in a SEZ may apply for income tax exemption for the first five years from the date of commencement of commercial operations, followed by a reduction of the income tax rate by 50% for the proceeding five year period. Under the law, if profits during the preceding five year period are re-invested within one year, investors can apply for a 50% reduction of the income tax rate for profits derived from such re-investment.

The new law also mandates the formation of an SEZ central authority and a management committee. The management committee will be responsible for setting wage levels and monitoring the ratio of local and foreign labor. Under the law, local skilled labor should compose at minimum 25 percent of the total workforce in the first year, 50 percent in the second year and 75 percent in the third year. The law also stipulates the conditions needed in order to establish new zones.

There are three SEZs in Burma: one in Dawei, Tanintharyi Division; one at Kyauk Phyu off the western coast of Rakhine State, and on in Thilawa on the outskirts of Rangoon. The Dawei and Kyauk Phyu SEZs are being developed as deep sea ports. Initially, Thailand-based Italian-Thai Development Public Company Limited (ITD) was the project developer of the Dawei SEZ. However, after ITD failed to raise sufficient financing, the Government of Burma took over the project, and the search for a new developer continues. The governments of Burma and Japan aim to establish a joint venture (with 51 percent Burma ownership) to develop the Thilawa SEZ, although the Thilawa SEZ already hosts port facilities that can accommodate larger vessels. Construction of the first factories to be built in Thilawa will begin in May 2014.

18. Foreign Direct Investment and Foreign Portfolio Investment Statistics

Investment figures compiled by the Burmese government include only investments approved by the MIC, only a fraction of which go forward. No statistics exist for disinvestment. The figures do not appear to include many small and medium Chinese investments.

Based on data available at the beginning of January 2014, cumulative foreign direct investment approved by the MIC totaled 655 projects, valued at $45.33 billion, 8.4 percent higher than the cumulative total listed at the end of December 2012, US$ 41.49 billion. The MIC expects the country's telecommunications and energy sectors be a significant driver of overseas business investment in 2014 and beyond.

According to the latest Government of Burma statistics provided by DICA, FDI approvals for Burmese FY 2013-2014 (April-March) totaled US$ 4,107.055 million with 123 permitted enterprises. Leading sectors for this fiscal year were manufacturing (45 percent), telecoms (29 percent) and hotels/tourism (10 percent), in addition to investments in oil and gas, mining, transportation and real estate. This is a significant increase in recorded FDI approvals from FY 2012-2013, which totaled US$ 1419.467 million with 94 permitted enterprises. Leading sectors in the last fiscal year were power, oil and gas, manufacturing, and mining.

The vast majority of approved new investment since 1997 has come from Asian countries. Nonetheless, in 2012, the United States, the United Kingdom, the European Union, and Australia all eased their bans on investment in Burma. On July 11, 2012 the United States

Department of Treasury issued General License No. 17 which authorizes new U.S. investment in Burma in all sectors with the exception of investment with the Burmese Ministry of Defense, state or non-state armed groups (which includes the military), or entities owned by the foregoing. Moreover, the core legal authorities underlying the U.S. sanctions remain in place. U.S. persons are still prohibited from dealing with blocked persons, including both listed Specially Designated Nationals (SDNs) as well as any entities 50 percent or more owned by an SDN. The Treasury Department's Office of Foreign Assets Control (OFAC) publishes a list of SDNs available at www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx.

The United States remains concerned about the protection of human rights, corruption, and the role of the military in the Burmese economy and as such requires all new U.S. investment in excess of $500,000 to be subject to certain reporting requirements available at http://www.humanrights.gov/2012/07/11/burmaresponsibleinvestment/. There are several components to these reporting requirements. Investors are required to file reports with the State Department on an annual basis, to include a version of the report that the Department will make publicly available, consistent with relevant U.S. law. Key information that companies report on include information regarding policies and procedures with respect to human rights, workers' rights, environmental stewardship, land acquisitions, arrangements with security service providers, and, aggregate annual payments exceeding $10,000 to Burmese government entities, including state-owned enterprises. The purpose of the public report is to promote greater transparency and encourage civil society to partner with our companies toward responsible investment. The above reporting requirements apply to any new investment, whatever corporate form it might take. In addition, individuals or entities undertaking new investment pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Myanmar Oil and Gas Enterprise (MOGE) must notify the Department of State within 60 days of their new investment.

According to Government of Burma statistics for 2013, in stock terms, the United States is the thirteenth largest foreign investor in Burma, with 15 approved projects totaling $243.6 million, which amounts to 0.54% of the total foreign direct investment in Burma.

Major non-U.S. foreign investors in Burma are concentrated in resource extraction and include: Petronas (Malaysia), Total (France), PTTEP (Thailand), Shin Satellite (Thailand), Keppel Land (Singapore), Daewoo (South Korea), China National Construction and Agricultural Machinery Import and Export Co. (PRC), Gas Authority of India Ltd. (GAIL) (India), CNPC (PRC) and the China International Trust and Investment Corporation (PRC).

Government statistics do not report external investments made by Burmese companies. However, there is anecdotal information that some wealthy Burmese individuals and small family businesses have made investments in China and in neighboring ASEAN countries, especially Singapore.

TABLE 2: Foreign investment approvals as of January 1, 2014 (by sector)

Sector	Permitted Enterprises	
	No.	Approved Amount

		(in millions USD)
Power	7	19284.432
Oil and Gas	115	14372.272
Manufacturing	312	3710.349
Mining	69	2862.424
Hotel and Tourism	51	1797.921
Real Estate	22	1229.150
Transport & Communication	18	1217.016
Livestock & Fisheries	28	365.974
Agriculture	13	203.020
Industrial Estate	3	193.113
Other Services	15	54.392
Construction	2	37.767
Total	**655**	**45327.830**

TABLE 3: Cumulative foreign investment approvals as of January 1, 2014 (by country)

Particulars	**Permitted Enterprises**		
	No.	**Approved Amount (in millions USD)**	**%**
China	56	14227.599	31.39
Thailand	70	9995.0712	22.05
Hong Kong	68	6477.275	14.92

Singapore	103	3802.415	8.39
United Kingdom	67	3149.349	6.95
Republic of Korea	86	3047.303	6.72
Malaysia	46	1625.861	3.59
Vietnam	7	513.186	1.13
France	3	474.360	1.05
Japan	43	321.339	0.71
India	12	299.540	0.66
The Netherlands	7	249.136	0.55
United States	15	243.565	0.54
Indonesia	12	241.497	0.53
Philippines	2	146.667	0.32
Australia	15	99.776	0.22
Russia Federation	2	94.000	0.21
Austria	2	72.500	0.16
Panama	2	55.101	0.12
United Arab Emirates	2	45.500	0.10
Canada	16	41.883	0.09
Mauritius	2	30.575	0.07
Germany	2	17.500	0.04
Republic of Liberia	2	14.600	0.03
Denmark	1	13.370	0.03

Cyprus	1	5.250	0.01
Luxembourg	1	5.200	0.01
Macau	2	4.400	0.01
Brunei Darussalam	3	4.273	0.01
Switzerland	1	3.382	0.01
Bangladesh	2	2.957	0.01
Israel	1	2.400	0.01
Sri Lanka	1	1.000	0.00
Total	**655**	**45237.830**	**100.00**

Section 5 - Government

Chiefs of State and Cabinet Members:

For the current list of Chief of State and Cabinet Members, please access the following - Central Intelligence Agency online directory of Chiefs of State and Cabinet Members of Foreign Governments

Legal system:

mixed legal system of English common law (as introduced in codifications designed for colonial India) and customary law

International organization participation:

ADB, ARF, ASEAN, BIMSTEC, CP, EAS, FAO, G-77, IAEA, IBRD, ICAO, ICRM, IDA, IFAD, IFC, IFRCS, IHO, ILO, IMF, IMO, Interpol, IOC, IOM, IPU, ISO (correspondent), ITU, ITUC (NGOs), NAM, OPCW (signatory), SAARC (observer), UN, UNCTAD, UNESCO, UNIDO, UNWTO, UPU, WCO, WHO, WIPO, WMO, WTO

Section 6 - Tax

Exchange control

For further information - http://www.president-office.gov.mm/en/

Treaty and non-treaty withholding tax rates

For further information - http://www.president-office.gov.mm/en/

Methodology and Sources

Section 1 - General Background Report and Map

(Source: CIA World Factbook)

Section 2 - Anti – Money Laundering / Terrorist Financing

	Lower Risk	Medium Risk	Higher Risk
FATF List of Countries identified with strategic AML deficiencies	Not Listed	AML Deficient but Committed	High Risk
Compliance with FATF 40 + 9 recommendations	>69% Compliant or Fully Compliant	35 – 69% Compliant or Fully Compliant	<35% Compliant or Fully Compliant
US Dept of State Money Laundering assessment (INCSR)	Monitored	Concern	Primary Concern
INCSR - Weakness in Government Legislation	<2	2-4	5-20
US Sec of State supporter of / Safe Haven for International Terrorism	No	Safe Haven for Terrorism	State Supporter of Terrorism
EU White list equivalent jurisdictions	Yes		No
International Sanctions UN Sanctions / US Sanctions / EU Sanctions	None	Arab League / Other	UN , EU or US
Corruption Index (Transparency International) Control of corruption (WGI) Global Advice Network	>69%	35 – 69%	<35%
World government Indicators (Average)	>69%	35 – 69%	<35%
Failed States Index (Average)	>69%	35 – 69%	<35%
Offshore Finance Centre	No		Yes

Section 3 - Economy

General Information on the current economic climate in the country and information on imports, exports, main industries and trading partners.

(Source: CIA World Factbook)

Section 4 - Foreign Investment

Information on the openness of foreign investment into the country and the foreign investment markets.

(Source: US State Department)

Section 5 - Government

Names of Government Ministers and general information on political matters.

(Source: CIA World Factbook / https://www.cia.gov/library/publications/world-leaders-1/index.html)

Section 6 - Tax

Information on Tax Information Exchange Agreements entered into, Double Tax Agreements and Exchange Controls.

(Sources: OECD Global Forum on Transparency and Exchange of Information for Tax Purposes PKF International)

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