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MINISTRY OF COMMERCE
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April 9, 2014

VIA FILLING AT REGULATIONS.GOV

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Ambassador Derek J. Mitchell
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Mr. William D. Jackson
Chairman, GSP Subcommittee of the Trade Policy Staff Committee
Office of the U.S. Trade Representative
United States Trade Representative
600 17th Street, N.W.
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**Re: Further Support of Designation of the Republic of the Union of Myanmar as a
Beneficiary Developing Country (BDC) under the United States' Generalized
System of Preferences (GSP)**

Excellencies:

On behalf of the Republic of the Union of Myanmar ("Myanmar"), we respectfully submit this letter and take this opportunity to continue the dialogue between our great nations regarding Myanmar's critical development in the areas of workers' rights, child labor, and intellectual property rights in connection with the designation of Myanmar as a Beneficiary Developing Country (BDC) and Least Developed Beneficiary Country (LDBDC) under the United States Generalized System of Preferences program ("the GSP Program").

*The Government of The Republic of The Union of Myanmar
Post-Hearing Brief in support of Myanmar as a BDC and LDBDC
Respectfully submitted April 9, 2014*

The Republic of the Union of Myanmar is currently undergoing a period of unprecedented economic growth and prosperity. For the past three years, Myanmar's GDP has increased approximately six percent (6%) each year. As evidenced by the recent World Trade Organization Trade Policy Review of Myanmar, Myanmar is poised for sustained growth due to Myanmar's significant changes to its economic policies and legal system. The WTO has specifically attributed Myanmar's growth to among other things, major changes in Myanmar's economic policy, trade policy, consumer reforms, banking reform, and its upcoming "comprehensive IPR legislation."¹ The WTO forecasts in its report that in the coming years, Myanmar has "large potential for growth." These developments are clear and certain.

This forecast is further confirmed by reports issued by independent global agencies around the world, such as the International Monetary Fund, Oxford Business Group, and the World Bank. Each of these organizations has in recent months undertaken research and released reports indicating that Myanmar is on a path toward unprecedented and transparent economic growth.² Specifically, an International Monetary Fund (IMF) team led by Mr. Matt Davies visited Myanmar from January 9–21, 2014 to conduct a final review the Staff- Monitored Program (SMP) for 2013. The purpose of the SMP is to foster dialogue between the IMF and a member country regarding economic policies. During its most recent meeting, the IMF group met with Central Bank of Myanmar (CBM) Governor, Union Minister of Finance, other senior officials, as well as representatives of the private sector and donors.³

With this growth, however, come new challenges. Today all eyes are on Myanmar, and in an environment of unprecedented international scrutiny, Myanmar has risen to the challenge to enact meaningful, permanent reforms in guarding workers' rights, eliminating child labor, and protecting intellectual property rights, among the plethora other substantial policy reforms. The Myanmar Government remains committed to providing transparent and direct responses to the concerns of the international community. For instance, in the February 2014 ILO report on ILO activities in Myanmar notes, "while all parties recognize that there is still a long way to go, considerable progress has been made."⁴

We hope this letter will remove any doubt that the United States may have of Myanmar's firm commitment to meaningful reform, improvement, and development in the areas of workers'

¹ http://www.wto.org/english/tratop_e/tpr_e/tpr_e.htm

² <http://www.imf.org/external/np/sec/pr/2014/pr1418.htm>

³ Tellingly, at the conclusion of the mission, Mr. Davies made the following statement:

"Myanmar is undergoing an exciting transition. Recent economic reforms include adopting a floating exchange rate and removing exchange restrictions; establishing an autonomous central bank; and significantly increasing spending on health and education. The authorities aim to build on these gains and achieve sustained, strong, and inclusive growth."

⁴ http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_236663.pdf

rights, child labor, and intellectual property rights, as well as assure the United States of Myanmar's continued commitment to reform in these critical areas.

Set forth below are our written responses to each of the specific issues raised by the Office of the United States Trade Representative in its request for information from Myanmar. We have summarized information from across several ministries of Myanmar including the relevant agencies evidencing Myanmar's significant and productive developments in these areas. We reiterate that it is the Myanmar Government's goal to ensure internationally recognized worker rights, child labor protections, intellectual property rights and all relevant rights and laws within all areas of Myanmar in connection with the GSP Program.

INTRODUCTION

The Republic of the Union of Myanmar was first designated as a GSP country in 1976. The program was suspended in 1989 following Myanmar's 1988 political crisis. Myanmar was formerly designated as a GSP country because she was deemed to have met all relevant criteria, including criteria on non-nationalization, non-expropriation of United States citizens' own property or corporation without proper compensation or due arbitration. Then in 2011, a National reconciliation process began in Myanmar with the new Government that took office. Since these transformative reforms took place, Myanmar is now undertaking many political, economic and social reforms to overcome the difficulties and obstacles and build a democratic nation.

Myanmar's economic growth in the past few years has been nothing short of explosive. In 2006 the GDP of Myanmar was approximately \$14 Billion. In 2013, Myanmar's GDP had grown to over \$59 billion, over a four-fold increase. McKinsey Global Institute forecasts Myanmar's GDP almost quadrupling to \$200 billion by 2030. Myanmar is rich in untapped natural resources, including gemstones, timber, agricultural products and petroleum. Myanmar also has a rapidly growing textile industry, and a young, mobilizing labor force. Due to the Union of Myanmar Myanmar's geographical location and abundant natural resources, it is poised for rapid economic growth and prosperity, bringing shared technological, business, and social opportunities for both the United States and the Union of Myanmar.

The reinstatement of GSP designation will offer critical stimulus during a decisive time in Myanmar's national development. Throughout its existence the GSP program has brought concrete economic and social benefits to its participants. The GSP has been shown to have a particularly beneficial impact on industries such as agricultural commodities, Myanmar's largest and main industry, accounting for 60 percent of the GDP and employing some 65 percent of the labor force.. The GSP would mean more export promotion, more market access, more opportunity for industrial development, job creation and income generation, and competitiveness in global market. The GSP is aimed to increase foreign export earning, to develop industries and

to bring economic development. In short, the reinstatement of GSP benefits to Myanmar will function as an important component to Myanmar's national development which in turn will render sustainable and irreversible democratic changes in the country.

I. PRELIMINARY STATEMENT

In an effort to bring the Republic of the Union of Myanmar closer to the international community and global standards and regulations, and in an effort to foster an environment that will develop into fertile ground for economic growth, the Government of Myanmar has invested significant resources in recent years to address political, social and workers' rights, eradicate child labor, and protect international intellectual property rights and laws. The aim of this summary is to highlight the immense progress made by the Republic of the Union of Myanmar in these areas. The ultimate goal of the Myanmar Government is to transform our domestic economy through trade and investment, by demonstrating its consistent and sincere commitment to become a responsible stakeholder in the global trading system.

II. MYANMAR'S FOCUS ON THE PROTECTION OF WORKER RIGHTS

The Myanmar Government is firmly committed to providing an internationally recognized level of worker rights to all people employed in Myanmar. Further to the issues raised in your letter, the Republic of the Union of Myanmar understands that workers' welfare is critical for economic and social development. We understand the critical role of the worker – not just as a driving force for the economy, but also as the center of the home and community. We appreciate the need to protect our working brothers and sisters, who will bring strength and prosperity to our communities and Myanmar as a whole. It is our firm belief that the efforts being made today to develop the regulatory, legal, and enforcement network will achieve over time comprehensive protection of worker rights. Accordingly, our investments in this area are primarily focused on the following areas: 1) promoting human rights in general; 2) promoting and protecting unions, freedom of association, and collective bargaining agreements; 3) eliminating forced labor in all forms; and 4) improving enforcement mechanisms and providing regulatory bodies with the required resources.

Promotion of Human Rights

We believe that the foundational area that must be developed as a precursor to improvements of workers' rights is to emphasize the primacy of human rights. In the areas of promotion and protection of human rights, the Myanmar Government is proactively, closely and responsibly working with the Myanmar National Human Rights Commission (MNHRC) to promote and protect the human rights of its citizens. The MNHRC was established in September 2011 with the goal of promoting human rights in Myanmar. It is now actively taking part in

national human rights protection and promotion tasks among other many actions, accepting complaints and reports of human rights violations, conducting its own investigation of those violations and providing its findings and recommendations. The MNHRC is an important regulatory body that will play an important role in moving forward to ensuring that human rights violations are reported, investigated fairly, and punished accordingly by our legal system.

To further its works, two human rights dialogues were held in Myanmar - one with the United States in October 2012 and another one with Japan in February 2013. These dialogues were very successful in raising awareness of human rights issues within Myanmar, as well as aiding in establishing benchmarks for performance and regulation that the Myanmar Government aims to meet.

Likewise the Government is presently working together with the International Committee of the Red Cross (ICRC) and several International Non-Government Organizations (INGOs). The ICRC and the INGOs are assisting and assuring the Myanmar Government's efforts and mission to promote and protect human rights. ICRC which has branch office in Mandalay since September 2012, has recently opened another branch office in Kachin State and going to open another one in Rakhine State. We continue to make improvements with the aid of the ICRC and INGOs. The Union of Myanmar intends to remain involved with these groups, as their influence continues to catalyze the necessary cultural and political shifts necessary for meaningful and permanent human rights reform.

Labor Organizations

The Republic of the Union of Myanmar recognizes the essential role that labour organizations ("trade unions") and collective bargaining play in ensuring protections for workers, and we are in the process of developing a comprehensive regulatory system that will ensure the fair and unbiased protection of these organizations. Thanks to these reforms, codified as our Labour Organization Law, labour organizations are allowed to form freely and independently.

Under the law, recognition at the Township level requires approval at lower levels to ensure compliance with pertinent regulations. Organizations then must submit their applications to the Chief Registrar within 30 days. Once compliance is proved, the Chief Registrar issues a recognition certificate within 30 days. For the permission to organize Myanmar Labour Confederation, and Labour Federation have to apply to the Chief Registrar. The Chief Registrar has to issue recognition certificate within 60 days to those organizations submitted complete facts and figures.

A total of 1040 workers organizations and 24 employers' organizations were registered under the law as of March 2014. 77 offices of township registrars to cover throughout the country are in place and operational. We have not received any reports related to the discriminatory action taken against workers directly as a result of forming or joining a union. The Ministry of Labour, Employment and Social Security (MOLES) has been vested with the

authority to take immediate action in accordance with the existing labour organization laws to prevent discrimination against workers.

MOLES has been working closely with the International Labor Organization (ILO) to implement greater freedom of association and social dialogue with Myanmar's people. A chief technical advisor has been working at the ILO office in Yangon since June 2012. MOLES and the ILO have been hosting workshops and seminars for government officials to disseminate information with respect to labor organizations.

Under the Labour Organization Law, if labour organizations are established under the labour organization laws, employers must recognize them as legal and accept the right of collective bargaining.

If a dispute arises between the employer and worker, these organizations shall conciliate and settle the dispute to reach the mutual agreement after the enacting of the Settlement of Labour Dispute Law (SLDL). The SLDL establishes a labour dispute resolution system, consisting of 325 Township Conciliation Bodies, 14 Arbitration Bodies, and one Arbitration Counsel. If the employer or worker fails to comply with the Employment Contract and dispute relates to other labour affairs, the Workplace Coordinating Committee shall settle the dispute at the workplace under the Settlement of Labour Disputes Law. If after that, any of the disputes could not be settled, it shall be settled by the Conciliation Body comprised of the representatives of workers, employers, Government and two distinguished persons, trusted and accepted by both employer and worker, and the State/Region Dispute Settlement Arbitration Body. If the dispute cannot be settled even in this stage, the Arbitration Council shall settle the dispute. Thus far, these regulatory bodies have resolved close to 2000 cases.

As of March 2014, a total of five new laws have been enacted in line with international standards and practices and these are:

- The Labour Organization Law, 2011, (Enacted on 11 Oct 2011);
- The Settlement of Labour Dispute Law, 2012 (Enacted on 28 March 2012);
- The Minimum Wage Law, 2013 (Enacted on 22 March 2013 / Effective on 4 June 2013);
- The Social Security Law, 2012 (Enacted on 31 August 2012/ Effective on 1st April 2014);and
- The Employment and Skill Development Law, 2013 (Enacted on 30 August 2013/ Effective on 29 November 2013).

We are in process of enacting two more laws: The Occupational Safety and Health Law and The Alien Workers Law. Both laws have already been drafted and are being discussed.

Labor Rights and the Elimination of Forced Labor

Forced labor is cited as one of the primary reasons for suspension of the GSP program for Myanmar in 1989. Myanmar is closely cooperating with the ILO for elimination of forced labor in the country. To date, we have ratified 20 ILO conventions, including conventions on No.29 (Compulsory or Forced labour Convention) and No.182(The worst forms of child labour convention. The ILO High Level Mission headed by Chairman of the ILO Governing Body paid a visit to Myanmar (May 2012) and later at the 101st session of International Labor Conference in 2012 most of the sanctions imposed by ILO between 1999 and 2000 were lifted or suspended, a major development at the time.

In 2002, an agreement was reached and signed between Myanmar and the ILO under Convention 29 (Forced Labor) to appointed ILO Liaison Officer in Myanmar to help eliminate forced labor. This was later extended with a yearly Supplementary Understanding (SU). Under the SU, a complaint mechanism was established for lodging complaints of forced labor. The complaints were investigated by a committee headed by Ministry of Labor. Its members are the ILO Liaison and all the relevant Ministries. To date, the SU has been extended to 2014. Since the SU's implementation, a total of 593 complaints have been received through the ILO Liaison Officer, wherein 227 were solved and 336 cases are under the ongoing process.

On March 16, 2012, Myanmar and the ILO signed a Memorandum of Understanding on Joint Strategy for elimination of forced labor in Myanmar by 2015. In the MOU under the paragraph jointly agreed and prioritized, time-bound action plan designed to stop forced labour practices nationwide and, where appropriate, identify alternative operational solutions to each indentified element of forced labour including the Forced labour associated with the Ministry of Defence self-sufficiency policy. Further, under this joint strategy, an action plan has been implemented by the working group comprised of concerned ministries. The Chairman is Minister of MOLES and the Deputy Minister of Defense, the Deputy Minister of MOLES and the ILO liaison officer act as joint secretaries and as the operational focal points of this new body.

The Government of Myanmar pledges to continue its effort to combat forced labor in all forms, and act in accord with all GSP procedures and requirements with respect to forced labor.

On the labor rights front, MOLES undertook reviews of domestic labor laws whereas 16 labor laws were amended and new laws were also enacted in line with international standards and practices. This includes Article 27A of the Amendment to the Ward Tract Administration Law, Pyidaungsu Hluttaw Law No. 7, (enacted in March 28, 2012) includes provisions for penalties for use of forced labor by imprisonment or fine. Other legislation impacting workers' rights include Myanmar's Occupational Safety and Health Bill, which is currently being drafted and discussed. Myanmar's Minimum Wage Law was enacted March 22, 2013. The Attorney General's office is also in the process of amending Myanmar's Factories Act, Leave and Holidays Act, and Payment of Wages Act to comply with other labor developments. The

Myanmar Parliament exercising the power vested by section 24 of the Constitution enacts labor laws to protect the right of the workers, to establish a good employer-employee relationship, and to promote the right to form independent labor organizations with good disciplines.

With respect to public works projects, the Ministry of Construction, Ministry of Labour, Employment and Social Security and ILO are cooperating to ensure proper labour practices for projects such as road construction. Job recruitment on government works projects is conducted in accordance with all applicable international and Myanmar government labor standards. The Government of Myanmar takes job applications from contractors and individuals with the requisite skills to perform jobs on a purely voluntary basis. Additionally the Government of Myanmar and the various government localities maintain a full-time staff of construction and maintenance workers, who are paid in accordance with Myanmar's numerous labor laws. The precise procedures vary from job to job, and locality to locality, but broad measures are already in place to prevent forced labor.

Meanwhile, private agencies can recruit workers independently based on the wages agreed mutually by both parties for the particular projects. A Myanmar citizen has the right to refuse to contribute his or her labour without worrying to be taken action according to the Ward/Village Tract Administration Law. The Government of Myanmar recognizes and wholeheartedly supports freedom of contract, and does not punish individuals for their choices not to work, the nature of the present government employment process prevents the possibility for retribution, as jobs are simply posted and then filled.

Decent Work

In the interest of the Myanmar labour force, an agenda entitled "Decent Work – A Tool for Economic Development and Poverty Reduction" has been introduced in Myanmar. In conformity with this agenda, technical cooperation programme is being implemented in eight areas with the support of ILO and other international donors. These areas include elimination of all forms of forced labour by 2015; introduction of freedom of association and social dialogue; enhanced employment opportunities, particularly for youths; labour legislation and labour market governance; socially responsible enterprise development; labour migration, employment dimension of trade and development and social security and the social protection floor. Under these eight areas, specific programmes have been developed and are being implemented.

Labor in the Military

The Government of the Republic of the Union of Myanmar has reviewed its policies and standards concerning alleged forced labor with members of the military at all levels, especially those who are currently deployed in areas of ongoing and recent conflict. The Myanmar government is committed to following the rules and procedures in accordance with its own military standards and the standards of the international community.

We are presently engaged in extensive awareness-raising activities throughout the entire country of Myanmar through workshops, seminars and joint presentations with the ILO. Copies of advocacy brochures in eight ethnic languages are being distributed. The contents of the brochures have also been broadcast nationwide, published in national newspapers and announced to the public.

On June 27, 2012, Myanmar's Country Task Force on Monitory and Reporting (CTFMR) signed a Plan of Action to prevent the use of child or forced labor by armed forces. Since that time, coordination meetings for the implementation of the Plan of Action were held extensively. Senior military officers from Myanmar's Defence Services have engaged in extensive educative courses relating to the elimination of forced and child labor in the military. Multiplier courses within the Military ranks were conducted at all levels of the Military. This extensive system of lectures and educational workshops continue to the present and has already produced positive results.

Recently, total of forty four recruits were rejected because of their underage status and ten trainees were discharged from the training program as they did not meet other necessary age requirements. A total of eight underage soldiers were discharged from the service by the Office of the Chief of Armed Forces Training and Office of Directorate of Recruitment and Resettlement Unit.

Regarding the underage recruitment cases reported by ILO liaison officer, the case handling and reporting committee has tackled 590 underage recruitment cases that were submitted from 25 May, 2007 to 31 January, 2014. Among them, 282 cases were closed, 201 cases were presented to ILO to review and closed, and 107 cases are under investigation. After a list of 202 soldiers who allegedly did not attain the age of 18 when they joined the Defence Services was received on 3 February, 2014 and reviewed, only 80 soldiers were found to be underage and are in the process of being released from military service.

Legal actions are also being taken against 266 people in accord with military/civilian laws up to June, 2013 after forming the committee to prevent recruitment and use of children by armed forces in 2014. Moreover, four officers and fifteen other different ranks were charged in connection with improper recruitment under the military code of conduct.

Labor Enforcement

The Republic of the Union of Myanmar understands that rule of law is only as effective as its power to actually enforce the mechanisms contained therein. As evidenced below, Myanmar has invested significant resources and energy to developing and implementing realistic regulatory and governing mechanisms for the numerous laws we are in the process of rolling out. While still nascent, the Myanmar Government is confident that these laws will, with the passage of time, achieve the policy goal of fostering workers' rights in Myanmar.

The MOLES is primarily charged with enforcing Myanmar's numerous labor laws. There are five departments under the MOLES. A total of 91 Labour Exchange Offices are under the supervision of the Department of Labour, which is charged with ensuring peaceful industrial relations, managing employment issues (local and overseas), enhancing the skills development of workers in the workplace, enforcing workers' rights in accord with labour laws, and cooperating in International and Regional labour affairs.

There are 80 social security offices, including 77 at the Township level and 3 Divisional offices. There are 93 Social Security Clinics and 3 Social Security Hospitals. These offices are charged with the task of registering insured workers, collecting social security contributions, issuing social security benefits, and providing and upgrading health care services.

All together 54 Region/State and Township level Offices are open under the Factories and General Labour Laws Inspection Department (FGLLID), and act as an enforcement body in accord with the existing labour laws and occupational safety and health regulations. Fourteen State/Regional level Offices are open under the Labour Relations Department, and are tasked with settling labour disputes quickly and fairly. Sixty seven State, Region and Township level Offices exist under the Central Inland Freight Handling Committee.

There are 69 labour inspectors that work for the FGLLID. The Government has allowed the department to increase its manpower up to 326 inspectors, and the Union Civil Service Selection Board began its recruitment and hiring of inspectors in October 2013.

All the Factory Inspectors and some of the General Labour Laws Inspectors have been trained by different international organizations such as JISHA, KOSHA, NIOSH, OSHC (Philippines) so on. The training courses deliver lectures for Safety and Health Officers, Industrial Hygiene and Construction Safety. Moreover, ILO has started providing Labour Inspection trainings to FGLLID Inspectors based upon the needs of the country. Consequently, Myanmar's labor inspectors are well qualified to inspect all types of establishments and workplaces for violations of labor laws.

The critical role that labour inspectors have in ensuring the just enforcement of Myanmar's Labour Organization Law is paramount to our goal. As such, the Government has developed a two-pronged approach to improving our enforcement mechanisms. The first part is implementing high level training procedures. Every member of staff, starting at the basic level to the Myanmar Labour Confederation and Labour Federation level receives appropriate training in the specific tasks they perform, with an emphasis on the nascent developments in the particular areas of law that they are tasked with enforcing. This training ranges from providing compliance seminars and staff training exercises, to a concerted initiative on the part of the government to raise the overall quality of newly hired staff. The goal is to change the mindset of government staff away from the old ways, with a new focus on fairness to the labor applicants.

The second prong of this implementation effort is focused on developing internal mechanisms of control, supervision and oversight that ensures that at the operational level, Myanmar's Labour Organizational Law is being fairly and swiftly implemented. This effort includes developing complaint procedures that ensures a fair and open environment allowing for any suggestions for improvement. Further, Myanmar is focused on developing organizational structures that emphasized greater accountability. The government is working to develop a more in-depth employee handbook that clearly outlines employee procedures and expectations.

We are currently in the process of gauging the response to our present efforts, and measuring the growth of these very new programs, and will respond with our resources accordingly.

Labour Rights

Myanmar is expediting the promotion and protection of labour rights as priority in order to attract foreign direct investment in Myanmar. The Joint Study Committee on the Rights and Responsibilities of Employers and Employees was established by the Pyidaungsu Hluttaw (Union Parliament) during May 2013 and composed of members of the Hluttaw as well as other relevant individuals. The Joint Study Committee conducted studies at the factories and establishment and produce a report of its findings including recommendations and comments. The committee is monitoring and evaluating the execution of its recommendations and comments by relevant responsible institutions.

III. CHILD LABOR

In Myanmar, as with most of the world, we recognize that children are the world's future. We also recognize that they are a potentially vulnerable class of people, who demand additional attention and protection. Historically in Myanmar, children were protected by their families, extended families, the church, and the community at large. Culturally, children are cherished and are taught the values of religions, family and disciplines in order to be a good citizen in society. The Myanmar Government takes seriously its duty to monitor child labor issues. We are fully committed to our mission to fully eradicate child labor, both in the military and in the civilian world.

Myanmar has been a state party to the Convention on the Right of the Child (CRC) since 1991. To this day, Myanmar works closely with the United Nations Children's Fund (UNICEF) in promoting child rights. Myanmar has not only served several terms in the UNICEF Executive Board but also established a special Plan of Action to eliminate alleged child soldier issues in the country. Because of the success Myanmar has had eradicating child labor, on June 18, 2013 the ILC announced that it has lifted all ILO restrictions on Myanmar. On December 18, 2013, the Republic of the Union of Myanmar ratified ILO Convention No. 182 (on the elimination of the worst forms of child labour). MOLES is working closely with other ministries - namely the Ministry of Education, Ministry of Defence, Ministry of Home Affairs, and the Ministry of

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Social Welfare and Resettlement – to develop a comprehensive action plan intended to implement and fully realize the goals of ILO Convention No. 182.

The Factories and General Labour laws Inspection Department has been given the important task of providing the necessary protection of working children and to ensuring that businesses and workplaces comply with the Factories Act and Shops and Establishment Act, two recently modernized pieces of legislation designed with the sole intent of protecting children in the workplace. As noted, the Myanmar Government has invested significant resources with the FGLLID to empower it to extend its coverage of effective labour inspection. The FGLLID has opened several new field offices, and hired numerous labor inspectors. In the coming months the FGLLID will build new offices in various Special Economic Zones (SEZs) in the towns of Kyaukphu, Thilawa, and Dawei.

The FGLLID has also collaborated with UNICEF, forming the Technical Working Group on working children. Together, these groups conduct inspections using specialized monitoring checklists developed by the respective agencies. The inspectors utilized by the Technical Working Group are specially trained to investigate and identify violations of relevant statutory authority. Likewise, the FGLLID is presently involved in drafting more modern statutory authority regarding protections for working children. Together with the ILO, the FGLLID is working to draft new occupational safety and health standards that incorporate protections for children.

Regarding Myanmar's efforts to eliminate the recruitment and retention of children in the military, and pursuant to Order No. 1/99 of the Ministry of Home Affairs, the Myanmar government and the Country Task Force on Monitoring and Reporting Mechanism (CTFMR) signed an action plan to combat underage military recruitment on June 27, 2012. Following the signing of this action plan, 16 meetings took place in the Ministry of Defence and Nay Pyi Taw to decide upon the implementation of the Action Plan.

According to the agreed upon procedures, training on the prevention of underage recruitment was carried out at military focal points at different levels of the government's regional command. This training was attended by 14 General Service Officers from the different regional commands, 4 commanders from recruitment units, and commanders from the Military Transit Center. Following this training, multiplier training for lower officers from the inferior officers battalions and regiments' for those officers was conducted. All pertinent information surrounding the prevention of underage recruitment was disseminated to the battalions in September 2012.

The CTFMR has conducted spot checks and visits to random commands, regiments, and units with the intent of investigating and identifying minor recruits. Thanks to the success of these measures, 44 underage recruits were discharged. The military command has been carrying

out the identification and removal from military ranks all suspected minors. These efforts have lead to the discharge of an additional 24 underage recruits.

Regarding the provisions for independent monitoring as part of the action plan, monitoring visits were conducted by the CTFMR, accompanying senior liaison officers to recruitment units and basic military training schools. These visits are conducted independently in accordance with the CTFMR monitoring criteria. These visits have identified a total of 63 additional suspected minors. To date, the CTFMR has successfully identified and investigated 590 underage recruitment cases, a major success in our policy goal of eliminating minor conscription. The government of Myanmar has continued with its successful efforts to identify and discharge any suspected minors from the military.

Likewise, in a separate initiative to combat military child labor, pursuant to the Supplementary Understanding between the Government of the Union of Myanmar and the International Labour Office (2007), the Myanmar government implemented a program to field complaints related to underage military recruitment. Complaints received by the MOLES are fielded through the ILO liaison officer in Yangon. After the initial assessment, the complaints are forwarded to the Ministry of Defence and when the responses investigated are received, MOLES replies to the ILO liaison officer.

IV. INTELLECTUAL PROPERTY RIGHTS

The Republic of the Union of Myanmar is presently in the process of enacting extensive overhauls to its regulatory framework concerning intellectual property law and associated enforcement mechanisms. The Myanmar Government is actively advancing legislation that is aimed at modernizing Myanmar's copyright, industrial design, patent, and trademark protection laws.

The Ministry of Science and Technology (MOST) is the focal ministry for IP matters. As a focal ministry for the World Intellectual Property Organization (WIPO), MOST takes responsibility for implementing intellectual property matters. MOST coordinates with the Ministry of Commerce, Ministry of Information, and the Union Attorney General's Office, and additionally works alongside several international organizations. For instance, MOST recently met with WIPO experts to revise its draft Myanmar IP laws. These meetings have been ongoing since May 2013, and have substantially impacted Myanmar's draft IP laws.

The Myanmar Government has recently earmarked significant resources for the MOST, which will include the creation of additional field offices for applicable IP work (on trademarks, industrial, design, among others). The Intellectual Property Section under MOST employs approximately 30 staff members, and will be tasked with drafting comprehensive IP laws and regulations for each area. Presently these staff members are being trained on the necessary IP procedures.

In addition, the Government of Myanmar has drafted the IP laws which are in line with the minimum standards of the World Trade Organization's (WTO) Trade-Related Aspects of Intellectual Property (TRIPs) Agreement by the MOST. Currently the IPR disputes are being solved by the existing laws such as the Myanmar Copyright Act, the Myanmar Merchandise Marks Act, the Registration Act, Myanmar Penal Code, The Sea Customs Act, The Land Customs Act, The Motion Picture Law, The Television and Video Law, The Science and Technology Development Law, and The Specific Relief Act.

Under the draft IP laws, the Myanmar Government has also created a specialized Intellectual Property court, which functions as a part of Myanmar's Supreme Court. The purpose of this court is to adjudicate IP disputes through application of statutory and case law. This new court will have jurisdiction to order prompt and effective provisional measures to enforce infringement of Myanmar's many new IP regulations.

During the time of drafting these laws, the concerned ministries and other related associations including non-governmental organizations (NGOs) and international non-governmental organizations (INGOs) such as the U.S. Patent and Trademark Office (USPTO), the International Intellectual Property Alliance (IIPA), and WIPO have contributed their comments and suggestions. For example, the Republic of the Union of Myanmar refers to WIPO resources for guidance Myanmar.

V. CONCLUSION

We believe the reforms taking place in Myanmar in the recent years are forward-thinking and long-lasting. The continued review, drafting, promulgation, and careful consideration of the bills and laws by Myanmar are in line with international standards and practices, specifically in the areas of worker rights, child labor, and intellectual rights. Other related laws are part of this process and require support and participation to make all these positive changes sustainable and irreversible. The Union of Myanmar Government and its legislative body are firmly committed to making and continuing these positive changes and to ensuring that these reforms are sustainable and irreversible. Reinstatement of the GSP status by the European Union to Myanmar in late 2012 has resulted in the positive impact on economy and trade of all stakeholders, which in turn makes all positive changes in Myanmar more sustainable. Reinstatement of GSP to Union of Myanmar by the United States will further the momentum required at this time to create opportunities in all relevant stakeholders, including the people and government of Myanmar and the United States.

In addition, the Ministry of Foreign Affairs has carefully considered the issues raised in connection with United States GPS reinstatement. The Ministry will continue to work to ensure protection of worker rights, elimination of child labor, and protection of intellectual property rights. The MOFA has a continued mission to ensure that such objectives are complied with and reviewed on a regular basis, as well as being improved over time.

Further, the Myanmar team and staff in Washington, D.C. have been actively involved with the GSP reinstatement issues. In January 2014, the acting Consular Representative U Ye Lwin and Charge D Affair Daw Aye Aye Soe held a conference concerning GSP matters, and closely monitor the issues and concerns of worker rights, elimination of child labor, and protection of intellectual property rights in Myanmar. The Myanmar Embassy in Washington D.C. and its staff continuously monitor GSP issues and is continuous communication with the Republic of the Union of Myanmar to address the concerns of U.S. trade representatives, and relevant stakeholders. The Embassy provides a direct line of communication to the Ministry of Foreign Affairs, and in turn provides a direct link to the Republic of the Union of Myanmar.

We respectfully give thanks to the U.S. Ambassador to Myanmar, The Honorable Derek Mitchell, the Office of the United States Trade Representative GSP Subcommittee Chairman William Jackson and all members of the GSP Subcommittee for their consideration to reinstate Myanmar to the GSP Program. The Myanmar Government and its officials look forward to the great potential of the GSP Program for both the United States and Myanmar. We believe that because the Government of Myanmar has made progress in workers' rights, child labor and IPR, we respectfully request that the recommendation be made to President Obama to reinstate Myanmar as a least developed GSP beneficiary at his earliest opportunity.

If you require additional information or have any questions regarding any of the foregoing matters and responses, please contact the undersigned directly or our legal counsel Vincent S. Wong, Patrick Wang or Frederick Wang at (212) 888.0884 or vswlaw@gmail.com.

Respectfully submitted,

**MINISTRY OF COMMERCE,
THE REPUBLIC OF UNION OF MYANMAR**

By:  _____

Name: Dr.PWINT SAN

Title: Deputy Minister for Commerce

Dated: April 9, 2014

Nay Pyi Taw, Myanmar