



Peace and Justice  
Commission

CONSENT CALENDAR  
November 15, 2022

To: Honorable Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: George Lippman, Chairperson, Peace and Justice Commission

Subject: Reinstate Burma (Myanmar) on Berkeley's Oppressive States List

### RECOMMENDATION

Adopt a Resolution to reinstate Burma (Myanmar) on Berkeley's Oppressive States list; to urge the federal government to strengthen sanctions on the military regime including on its Myanmar Oil and Gas Enterprises (MOGE), and to recognize and support the Burma National Unity Government (NUG), including ensuring the continued representation of Burma at the United Nations by U Kyaw More Tun. Send copies of the Resolution to the congressional delegation and other federal leaders.

### FISCAL IMPACTS OF RECOMMENDATION

Minimal impact to staff time.

### CURRENT SITUATION AND ITS EFFECTS

In 2022, in a new wave of violence and impunity, the military council has publicly executed four democracy activists, and is planning to execute 41 more political prisoners; the dictatorship has also sentenced State Counsellor Aung San Suu Kyi to ten years in prison at hard labor and dismissed the international community's demand for peace talks.

Patterns of arbitrary arrest and detention, of torture and other cruel, inhuman or degrading treatment or punishment and of killings indicate that individuals have been targeted for their political or professional affiliation or for exercising their political rights. Burmese civil society is demanding that the international community give full support to the Burma National Unity Government (NUG), formed by the representatives rightfully chosen in the 2020 elections, including ensuring the continued representation of Burma at the United Nations by U Kyaw More Tun.

The UN Human Rights Council recently called on the international community to "take immediate action to prevent the supply of arms to the military of Myanmar ... and apply other targeted sanctions on military and economic interests, as appropriate."

Reinstate Burma (Myanmar) on Berkeley's Oppressive States List

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At its regular meeting of September 19, 2022, the Peace and Justice Commission unanimously proposed the attached resolution for the City Council.

M/S/C: (Bohn/Morizawa)

Ayes: Bohn, Gussman, Jacquilin, Leon-Maldonado, Lippman, Maran, Morizawa

Noes: None

Abstain: None

Absent: Lee, Rodriguez

### BACKGROUND

The City of Berkeley has taken several actions to support the restoration of democracy in Burma, renamed to Myanmar by the military regime, including banning contracts with companies doing business in Burma under the Oppressive States ordinance (1990), and raising Burmese freedom flags every August 8 in commemoration of the 8/8/88 people's uprising (2008).

A partial democratic opening was slammed shut in February 2021 by a brutal coup by the Myanmar military council, whereupon State Counsellor Aung San Suu Kyi was overthrown and imprisoned, and the regime has killed more than 2,000 civilians including trade unionists and children, arrested more than 14,000, and displaced more than 1 million people.

After the U.S. government-imposed sanctions on the Myanmar military regime, Berkeley removed the country from its Oppressive States list. However, an important loophole remained in the federal sanctions, allowing U.S. corporations to do business with the Myanmar Oil and Gas Enterprises (MOGE). Chevron's huge contract with MOGE is a big financial boost to the terrorist military council.

### ENVIRONMENTAL SUSTAINABILITY

Oil profits from carbon extraction fuel the brutal repression of the military regime, in addition to their deadly impact on the world's climate. This pattern is all too familiar from the experience of the Russian attack on Ukraine. The U.S. and in particular the locally-based Chevron Corp. contribute to climate change through their investment and tacit complicity in military rule.

### RATIONALE FOR RECOMMENDATION

Reinstating Burma (Myanmar) on Berkeley's list of Oppressive States will send a message of support to Burmese civil society and to the local Burmese community of Berkeley and the Bay Area of the City's ongoing support for their struggle for democracy.

Reinstate Burma (Myanmar) on Berkeley's Oppressive States List

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This action is consistent with Berkeley's history of solidarity with the Burmese freedom movement over many decades.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

George Lippman, Chair, Peace and Justice Commission  
Okeya Vance-Dozier, Commission Secretary, City Manager's Office, (510) 981-7239

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

Resolution to Reinstate Burma (Myanmar) on Berkeley's Oppressive States List

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, the Peace and Justice Commission mandate, as amended in 1990, includes Function K of BMC section 3.68.070: "Advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS;" and

WHEREAS, in 1990 the Berkeley City Council passed the Oppressive States Contract Prohibition (Res. 59,853-N.S.), banning contracts with companies doing business in several countries including Burma (Myanmar);<sup>1</sup> and

WHEREAS, in 2003 President George W Bush signed the Burma Freedom and Democracy Act (BFDA) into law, including a ban on all imports from Myanmar and imposed other sanctions; and.

WHEREAS, the Berkeley City Council therefore removed Burma from the Oppressive States list in deference to the federal action; and

WHEREAS, on June 10, 2008, the Berkeley City Council approved a series of resolutions proposed by the Peace and Justice Commission commending the people of Burma for 46 years of struggle against dictatorship, honoring the 20<sup>th</sup> anniversary of the 1988 popular uprising and declaring August 8 as "Burma Day," to be marked by raising Burmese freedom flags at Berkeley City Hall every August 8;<sup>2</sup> and

WHEREAS, in July 2012, the U.S. formally eased sanctions on Myanmar in response to a perceived democratization process, but between 2017 and 2021 the situation in Myanmar deteriorated, with 600,000 Rohingya refugees displaced, and finally State Counsellor Aung San Suu Kyi was overthrown and imprisoned in a military coup in February 2021, whereupon the U.S. gradually resumed aspects of the former sanctions regime; and

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<sup>1</sup>[https://en.wikipedia.org/wiki/Myanmar%E2%80%93United\\_States\\_relations#:~:text=The%20political%20relationship%20between%20the,2007%2C%20further%20strained%20the%20relationship.](https://en.wikipedia.org/wiki/Myanmar%E2%80%93United_States_relations#:~:text=The%20political%20relationship%20between%20the,2007%2C%20further%20strained%20the%20relationship.)

<sup>2</sup> "US City Declares August 8 'Burma Day,'" [https://www2.irrawaddy.com/article.php?art\\_id=12680Day](https://www2.irrawaddy.com/article.php?art_id=12680Day),' [https://www2.irrawaddy.com/article.php?art\\_id=12680](https://www2.irrawaddy.com/article.php?art_id=12680)

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WHEREAS, the renewed sanctions grant an exception for investment in the Myanmar Oil and Gas Enterprises (MOGE), a partner of Chevron Corporation, prompting criticism from human rights groups including Human Rights Watch, which stated, "By allowing deals with Myanmar's state-owned oil company, the U.S. looks like it caved to industry pressure and undercut Aung San Suu Kyi and others in Myanmar who are promoting government accountability;"<sup>3</sup> and Chevron and Total own a majority controlling interest in a huge oil project that has generated billions of dollars for the regime;<sup>4</sup> and

WHEREAS, since its 2021 coup that toppled Burma's democratic government, the terrorist Myanmar military council has killed more than 2,000 civilians including trade unionists and children, arrested more than 14,000, and displaced more than 1 million people; and

WHEREAS, in 2022, in a new wave of violence and impunity, the military council has publicly executed four democracy activists, and is planning to execute 41 more political prisoners; the dictatorship has also sentenced State Counsellor Aung San Suu Kyi to ten years in prison at hard labor and dismissed the international community's demand for peace talks, including what it has committed to under the ASEAN's five-point consensus;<sup>5</sup> and

WHEREAS, credible allegations of crimes documented in the present and previous reports represent only a fraction of the violations and abuses that the people of Myanmar have had to endure since February 1, 2021. Patterns of arbitrary arrest and detention, of torture and other cruel, inhuman or degrading treatment or punishment and of killings, particularly in Yangon, Mandalay, Sagaing, Bago, Magway and Tanintharyi Regions, seem to indicate that individuals have been targeted for their political or professional affiliation or for exercising their political rights;<sup>6</sup> and

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<sup>3</sup> "US to Invest in Burma's Oil," <https://www.rfa.org/english/news/myanmar/sanctions-07112012185817.html>

<sup>4</sup> "Chevron, in partnership with Total, PTT, and Myanmar Oil and Gas Enterprise (MOGE), holds equity in one of the largest investment projects in Myanmar (Burma): the Yadana gas field and pipeline that has generated billions of dollars for the Myanmar military junta. Together, Total and Chevron have a majority controlling interest in the Yadana project. Since it seized power in the February 2021 coup d'etat, the Myanmar military now holds total control over MOGE," Human Rights Watch, <https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year>

<sup>5</sup> "UN Security Council Calls For Five-point ASEAN Consensus To Cease Myanmar Crisis," <https://www.republicworld.com/world-news/rest-of-the-world-news/un-security-council-calls-for-five-point-asean-consensus-to-cease-myanmar-crisis.html#:~:text=The%20ASEAN%20five-point%20consensus%20states%20that%20there%20should,peaceful%20solution%20in%20the%20interests%20of%20the%20people>

<sup>6</sup> "Press briefing notes on Myanmar," UN Office of the High Commissioner on Human Rights, March 16, 2021, <https://www.ohchr.org/en/taxonomy/term/762?page=16>

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WHEREAS, Burmese civil society is calling for the UN Credential Committee to re-elect U Kyaw More Tun the Ambassador from Burma to the UN;<sup>7</sup> and.

WHEREAS, the UN Human Rights Council recently called on the international community to "Take immediate action to prevent the supply of arms to the military of Myanmar or other armed parties in the country, in accordance with the call made by the General Assembly, and apply other targeted sanctions on military and economic interests, as appropriate."<sup>8</sup>

THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the Council urges the U.S. Congress to require and President Joe Biden to extend sanctions to Myanmar's state-owned oil company, Myanmar Oil and Gas Enterprises (MOGE), and any other state-owned companies in Myanmar; and to provide support for and recognize the Burma National Unity Government (NUG), formed by the representatives rightfully chosen in the 2020 elections.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Council urge the U.S. Ambassador to the United Nations to ensure the continued representation of Burma by U Kyaw More Tun.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the country of Burma (Myanmar) be reinstated on Berkeley's Oppressive States list and be fully subject to the City's Oppressive States Ordinance.

BE IT FURTHER RESOLVED that the City Clerk send a copy of this resolution to Berkeley's congressional delegation, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee, Representatives Jackie Speier and Ro Khanna, Secretary of State Antony Blinken, and U.S. Ambassador to the United Nations Linda Thomas-Greenfield.

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<sup>7</sup> <https://specialadvisorycouncil.org/2022/09/united-nations-general-assembly-accept-credentials-nug/>;  
<https://actionnetwork.org/petitions/myanmar-for-u-kyaw-moe-tun>;  
<https://www.passblue.com/2022/09/13/the-un-general-assembly-must-fix-myanmars-muddled-representation-and-send-a-profound-message-to-the-junta/>;  
<https://burmacampaign.org.uk/civil-society-calls-on-un-to-retain-myanmars-ambassador-u-kyaw-moe-tuns-accreditation-to-the-un/>

<sup>8</sup> <https://www.ohchr.org/en/press-releases/2022/09/un-report-calls-urgent-action-halt-access-revenue-and-arms-supplies-myanmar>