

U.S. Treasury Department Expands Sanctions against Myanmar

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On October 6, 2022, the United States Treasury Department designated three Myanmar individuals and their company as targets of sanctions under Executive Order 14014¹ (E.O. 14014).^{2 3} These are the latest in a series of designations under E.O. 14014, which President Biden signed on February 10, 2021, following the military coup in Myanmar earlier that month.⁴ The Treasury Department has so far not enacted the more sweeping sanctions on the Myanmar energy sector that recent reporting suggests the Biden administration is considering.⁵

The Myanmar individuals and the affiliated corporation are:

- Aung Moe Myint;
- Hlaing Moe Myint;
- Myo Thitsar; and
- Dynasty International Company Limited.⁶

According to the U.S. Office of Foreign Assets Control (OFAC), the targeted individuals and company helped procure “Russian-produced military arms from Belarus for the Burmese regime.”⁷ Although OFAC states the newly designated targets helped procure weapons from Russia, these designations fall under the sanctions scheme of E.O. 14014, distinct from any sanctions imposed by the United States on Russia.

These designations come at a time when activists are pushing the Biden administration to sanction Myanmar’s energy sector like it is sanctioning Russia’s energy sector.⁸ Myanmar is one of the world’s largest exporters of natural gas.⁹ In 2020 its natural gas exports, primarily to China and Thailand, earned nearly \$3 billion.¹⁰ Activists argue U.S. sanctions on Myanmar will be ineffective until they target this sector.¹¹

Additional Recent Sanctions on Myanmar

The October 2022 sanctions designations follow similar designations in March 2022, July 2021, and May 2021, all targeting the military regime that has controlled Myanmar since the coup in February 2021.¹² According to the United States, this regime is responsible for ongoing violence and human rights abuses.¹³ The United Nations estimates that, as of May 11, 2021, at least 782 people have been killed, including dozens of children, and at least 3,740 have been unlawfully detained.¹⁴

The March 2022 sanctions designated five individuals and five entities connected to Myanmar's military regime, including an infantry unit the United States holds responsible for torture and other human rights abuses.¹⁵

The July 2021 sanctions designated 22 individuals, including members of the military regime and the spouses of adult children of military officials.¹⁶

The May 2021 sanctions designated the State Administration Council, the official name of the military government, and 16 officials and their family members.¹⁷

Other sanctions have targeted the assets of military officials and regime leaders and their adult children.¹⁸ They have also targeted state-owned enterprises in the gem, timber, and pearl industries and military holding companies that enable the military to dominate certain economic sectors.¹⁹

Key Takeaways

The expanding sanctions appear to signal that the U.S. government intends to continue intensifying pressure on the military regime. Except for entities authorized by a general or specific license issued by OFAC or who are otherwise exempt, OFAC's regulations generally prohibit all transactions by U.S. persons or within (or transiting) the United States that involve any property or property interests of designated or otherwise blocked persons.²⁰ The prohibitions include contributing or providing funds, goods, or services by, to, or for the benefit of any blocked person or receiving any funds, goods, or services from any such person.²¹ The sanctions additionally block any entities that are majority-owned by one or more blocked persons.²²

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FOOTNOTES

¹ Biden enacted E.O. 14014 pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of Title 3, United States Code. In turn, E.O. 14014 provides a legal basis for the Treasury Department/OFAC to designate specific targets for sanctions.

² Press Release, U.S. Dep't of State, Designations of Burmese Targets to Promote Justice and Accountability (Oct. 6, 2022), <https://www.state.gov/designations-of-burmese-targets-to-promote-justice-and-accountability/>; see also 31 C.F.R. pt. 525; US Sanctions Myanmar Businessmen over Alleged Russian Arms Deals, Al Jazeera, Oct. 7, 2022, <https://www.aljazeera.com/economy/2022/10/7/us-sanctions-myanmar-businessmen-over-arms-sales-to-regime>.

³ The United States refers to the country as “Burma,” although the country’s military government changed the country’s name to “Myanmar” in 1989. See U.S. Dep’t of State, U.S. Relations With Burma (accessed Oct. 31, 2022), <https://www.state.gov/u-s-relations-with-burma/#:~:text=The%20military%20government%20changed%20the,use%20the%20name%20%E2%80%9CBurma.%E2%80%9D&text=The%20United%20States%20has%20a,of%20the%20people%20of%20Burma>.

⁴ Exec. Order No. 14014, Blocking Property with Respect to the Station in Burma, Feb. 10, 2021, <https://home.treasury.gov/system/files/126/14014.pdf>.

⁵ Robbie Grammar and Mary Yang, U.S. Eyes New Energy Sanctions on Myanmar After Execution of Activists, Foreign Policy, Aug. 2, 2022, <https://foreignpolicy.com/2022/08/02/myanmar-burma-energy-sanctions-biden-execution-democracy-activists/>.

⁶ Press Release on October 2022 Sanctions, *supra* n. 3.

⁷ *Id.*

⁸ Thinzar Shunlei Yi, The U.S. Can Put Sanctions on Russian Gas to Punish Putin. I’m Asking It to Do the Same in Myanmar, N.Y. Times, June 23, 2022, <https://www.nytimes.com/2022/06/23/opinion/myanmar-junta-gas-revenue.html>.

⁹ See U.S. Department of Commerce, International Trade Administration, Burma Country Commercial Guide (July 28, 2022), <https://www.trade.gov/country-commercial-guides/burma-oil-and-gas>; Myanmar Brings in \$800 mln from April-July Gas Exports, Reuters, Aug. 25, 2022, <https://www.reuters.com/markets/commodities/myanmar-brings-800-mln-april-july-gas-exports-2022-08-25/>.

¹⁰ Observer of Economic Complexity, Petroleum Gas in Myanmar (2020) (accessed Oct. 31, 2022), <https://oec.world/en/profile/bilateral-product/petroleum-gas/reporter/mmr>.

¹¹ See, e.g., Keel Dietz, Myanmar Junta’s Execution of Activists Casts Harsh Light on Lack of U.S. Sanctions on Oil and Gas, Just Security, Aug. 3, 2022, <https://www.justsecurity.org/82572/myanmar-juntas-execution-of-activists-casts-harsh-light-on-lack-of-u-s-sanctions-on-oil-and-gas/>.

¹² Press Release, U.S. Dep’t of Treasury, Treasury Sanctions Military Leaders, Military-Affiliated Cronies and Businesses, and a Military Unit Prior to Armed Forces Day in Burma (Mar. 25, 2022), <https://home.treasury.gov/news/press-releases/jy0679>; Press Release, U.S. Dep’t of Treasury, Treasury Sanctions Senior Officials and Family Members Connected to Burma’s Military (July 2, 2021), <https://home.treasury.gov/news/press-releases/jy0260>; Press Release, U.S. Dep’t of the Treasury, Treasury Sanctions Governing Body, Officials, and Family Members Connected to Burma’s Military (May 17, 2021), <https://home.treasury.gov/news/press-releases/jy0180>.

¹³ See, e.g., Press Release on October 2022 Sanctions, *supra* n. 3.

¹⁴ Myanmar Coup: ‘No Sign’ of End to Brutal Crackdown on All Fronts, UN News, May 11, 2021, <https://news.un.org/en/story/2021/05/1091692>.

¹⁵ The five individuals are: Ko Ko Oo, Zaw Hein, Naing Htut Aung, Aung Hlaing Oo, and Sit Taing Aung. In addition to the 66th Light Infantry Division, the other four entities are: International Gateways Group of Company Limited, Myanmar Chemical & Machinery, Htoo Group of Companies, and Asia Green Development Bank Ltd. Press Release on March 2022 Sanctions, *supra* n. 13; see also 31

C.F.R. pt. 525.

¹⁶ The 22 individuals are: Saw Daniel, Banyar Aung Moe, Aye Nu Sein, Chit Naing, Aung Naing Oo, Myint Kyaing, Thet Thet Khine, Kyu Kyu Hla, Than Than Nwe, Thet Thet Aung, Than Than Aye, Aung Mar Myint, Khaing Pa Pa Chit, Moe Htet Htet Tun, Khaing Moe Myint, Yadanar Moe Myint, Daw Nilar, Theit Thinzar Ye, Ohn Mar Myint, Shwe Ye Phu Aung, Hlaing Bwar Aung, and Phyo Arkar Aung. Press Release on July 2021 Sanctions, *supra* n. 13; see also 31 C.F.R. pt. 525.

¹⁷ The 16 individuals are: Mahn Nyein Maung, Thein Nyunt, Sai Lone Saing, Khin Maung Swe, Ko Ko Hlaing, Tun Aung Myint, Tun Tun Naung, Than Nyein, Pwint San, Win Shein, Thein Soe, Thet Khaing Win, Khin Maung Yi, Hein Htet, Kaung Htet, and Yin Min Thu. Press Release on May 2021 Sanctions, *supra* n. 13; see also 31 C.F.R. pt. 525.

¹⁸ Press Release, U.S. Dep't of Treasury, United States Targets Leaders of Burma's Military Coup Under New Executive Order (Feb. 11, 2021), <https://home.treasury.gov/news/press-releases/jy0024>; Press Release, U.S. Dep't of Treasury, United States Targets Family Members Profiting from Connection to Burmese Coup Leader (Mar. 10, 2021), <https://home.treasury.gov/news/press-releases/jy0051>; Press Release, U.S. Dep't of Treasury, United States Targets Burmese Military Forces for Repression of Pro-Democracy Protests (Mar. 22, 2021), <https://home.treasury.gov/news/press-releases/jy0071>; see also 31 C.F.R. pt. 525 (2021).

¹⁹ Press Release, U.S. Dep't of the Treasury, Treasury Sanctions Military Holding Companies in Burma (Mar. 25, 2021), <https://home.treasury.gov/news/press-releases/jy0078>; Press Release, U.S. Dep't of the Treasury, Treasury Sanctions Key Gems Enterprise in Burma (Apr. 8, 2021), <https://home.treasury.gov/news/press-releases/jy0115>; Press Release, U.S. Dep't of the Treasury, Treasury Sanctions Key Timber and Pearl Enterprises in Burma (Apr. 21, 2021), <https://home.treasury.gov/news/press-releases/jy0138>; see also 31 C.F.R. pt. 525.

²⁰ See, e.g., Press Release on October 2022 Sanctions, *supra* n. 3.

²¹ *Id.*

²² *Id.*

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National Law Review, Volume XII, Number 313

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