Bringing Corporate Regulation in Myanmar into the Twentieth Century

The Role of Businesses in Strengthening the Rule of Law and Promoting Access to Justice in Cases of Domestic Violence in Vanuatu

Building the Pacific Peace

The Rule of Law, Access to Legal Assistance and Community Legal Centres

Speaking for the Marine Living Resources in the South China Sea

The Story of Wellgyi and Its Maker

Rule of Law Impact Tracker
Dear reader,

Welcome to the December issue of Advancing Together for 2016.

As businesses seek to create and grow in new markets around the world, strong rule of law brings with it several beneficial economic imperatives. Corporate citizens have a very important role to play and, as a global business, LexisNexis® prides itself on its contribution to advancing the rule of law.

Most recently, we partnered with the Australian Human Rights Commission to update and republish Federal Discrimination Law, a text that will not only assist everyday Australians in better understanding their rights, but also help businesses to identify and comply with their obligations. We have consolidated the legislation of the Maldives – the first full consolidation of Maldivian legislation—and created an online platform to provide full access in both English and the native Dhivehi.

We continue to work with the Office of the Attorney-General in Fiji to consolidate and publish the Laws of Fiji in hard copy and online to increase public access. We also continue to support projects in the newly emerging democracy of Myanmar through discussions with various stakeholders across the Government, private and international development sectors. Through these, and many more projects past and present, we aim to have a tangible impact on quality of life and access to justice for people in the Asia Pacific region.

This is our tenth issue of Advancing Together, and in this issue we are exploring perspectives of rule of law development from around the Pacific through the eyes of several knowledgeable, passionate authors.

Melissa Tun observes the changes and opportunities emerging from rapid growth and transformation in Myanmar’s corporate sector. Emily Langford’s article examines the role of business in bridging the gap between Vanuatu’s split state justice system and kastom, or customary law faced with rampant domestic violence.

James Waugh looks at the standing of the Permanent Court of Arbitration (PCA) and the legitimacy of similar institutions in dispute resolution around the South China Sea. What role do these institutions play in not only strengthening rule of law, but promoting social and economic stability? Amanda Alford looks at the positive impacts of Australian Community Legal Centres in providing access to justice for the disadvantaged, and the threats currently being faced by the community legal sector.

Ann Zhang examines access to justice for fishing businesses in the South China Sea, at a time where the focus on international territorial dispute resolution risks overshadowing the plight of marine environmental conservation in the region. Gaythri Raman chronicles the issues from the lack of a functional land registration system that has seen farmers forced from their land in Myanmar, while Georgie Leahy invites you to try the LexisNexis Rule of Law Impact Tracker, which provides a graphic representation of the impact of increased rule of law against a number of social and economic indicators.

All of these articles are pertinent to our work in advancing the rule of law and we look forward to continuing to share stories of the ongoing developments in these areas.

We hope you enjoy the read.

Joanne Beckett
Managing Director
LexisNexis Australia
The Myanmar corporate sector is growing at a rapid pace. At the start of the country’s economic and political reforms in 2011, there were almost 20,000 registered companies in Myanmar. Today, just five years later, there are almost 55,000 companies registered in Myanmar. This is set to grow as Myanmar turns a new chapter in its history. In April 2016, for the first time in over fifty years, a democratically elected government took office, led by the country’s democracy icon Daw Aung Sun Suu Kyi. Long-standing economic sanctions imposed by the United States have just been lifted and the country is projected to be one of the fastest growing economies in the world as it reengages with the global economy.

Amidst the remarkable changes occurring in Myanmar, one thing has remained constant – the Myanmar Companies Act has been the legal framework governing all companies in Myanmar since 1914 when the country was still a British colony. It shares many similarities with the company laws of neighbouring jurisdictions such as Singapore, Malaysia and Australia, which all inherited British company law principles. While those jurisdictions have updated their laws to reflect developments in corporate regulation in the 21st century, the Myanmar Companies Act has undergone very few amendments in its hundred year history.

It is clear that some changes are long overdue. The law contains many outdated requirements which are out of step with modern business practices. For example, companies are required to seek presidential approval to change their names, and court approval to change their objects. The legal duties of company directors are not clearly defined and it is difficult for companies to alter their share capital without cumbersome procedures. Some parts of the law are no longer in use today but...
continue to be set out in the law, creating much regulatory uncertainty for companies. Importantly, the law also lacks proper sanctions and enforcement mechanisms to regulate corporate conduct, including the actions of company directors.

At the same time, some significant changes are taking place in the Myanmar business landscape. The Yangon Securities Exchange was opened last year under the supervision of the newly established Myanmar Securities Exchange Commission. The Banking and Financial Institution Law was passed earlier this year with the aim of modernising the banking sector. A new Investment Law to encourage much-needed investment in many sectors of the economy was recently approved in October 2016. These legal and regulatory developments are spurring the greater use of companies as legal entities to conduct business and driving the growth of the corporate sector in Myanmar.

A strong and robust legal framework for company affairs is therefore crucial to maintaining investor confidence in Myanmar’s nascent corporate sector. A robust Companies Law can instil sound corporate practices that safeguard investors, creditors and other stakeholders in companies ranging from small businesses to large conglomerates. Poor standards of corporate practice undermine not only individual company performance but also hinder the development of important sectors such as banking and finance. They also undermine the new government’s focus on rebuilding the rule of law and improving governance across the country.

The reforms aim to improve regulatory certainty and reduce the compliance burden, particularly for small and family businesses which comprise the majority of companies in the country.

Key reforms include the introduction of single shareholder and single director companies, allowing flexible changes to share capital, improving corporate governance standards and simplifying administrative requirements, such as allowing written resolutions of directors and shareholders and electronic communications. The reforms aim to improve regulatory certainty and reduce the compliance burden, particularly for small and family businesses which comprise the majority of companies in the country.

The draft new Myanmar Companies Law, which is being prepared with the assistance of the Asian Development Bank, seeks to address these issues. The draft new law will replace the Myanmar Companies Act and form a central part of the legal framework for doing business in the country. The new law will reflect tried and tested reforms in places such as Singapore, Malaysia, Hong Kong and New Zealand.

All of these changes are long overdue for businesspeople and companies in Myanmar, which have endured years of burdensome regulation and legal uncertainty. The reforms will bring corporate regulation in Myanmar in line with many of its neighbours in the region. Experience in those countries has shown that economic development is accompanied by efficient and effective legal frameworks for businesses. A new legal framework for corporate regulation will support a vibrant and robust corporate sector for many years to come as the country prepares to enter a new era.
Forty-four per cent of women in Vanuatu experienced domestic violence in the past twelve months, 22,901 in total, and in only two per cent of cases did police lay charges.1

The fact that women are denied access to mechanisms of redress and remedies is not reflective of the rule of law espoused as an ideal by western liberal democracies. Principle One of the UN Global Compact’s Principles proclaims that “businesses should support and respect the protection of internationally proclaimed human rights.”2 Businesses can promote access to justice in three ways: improving access to the law through their core business products and services; investing in justice initiatives in the region through strategic social investment; and advocating for justice reforms in public policy engagement.3

VANUATU

Efforts to improve access to justice are complicated by the ni-Vanuatu dual legal system: state justice and kastom. Women are unable to access the formal justice system and are marginalised in kastom, and are thus vulnerable to human rights abuses.4

The state justice system can be characterised as ‘western’ justice, consisting of courts, police enforcement, a Constitution and statutes. Kastom is comprised of community justice, dealt by Chiefs, and contained in regional bylaws. The resolution of conflicts is performed by both the state and kastom.5

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BARRIERS TO ACCESS TO JUSTICE

Gender equality

A primary barrier to access to justice is gender inequality in a patriarchal system derived from widespread beliefs that undermine women’s rights. Women are limited to seeking kastom in cases of domestic violence. Kastom law is inherently gender biased, and often procedurally denies women the power to access justice. Statutes such as the Criminal Procedure Code s118 recommend reconciliation in cases of domestic violence, which discriminates against women.\(^6\)

A disparity in education levels perpetuates inequality, and prevents women from being aware of their legal rights. In a recent survey of rural ni-Vanuatu women, 60 per cent of women reported no knowledge of the laws of Vanuatu, compared with 27 per cent of men.\(^7\)

Resources & Services

The Government lacks financial and human resources to effectively administer the justice system. Ninety-three per cent of the Police budget is spent on salaries, with funds unable to cover operational costs such as fuel necessary to service the entirety of Vanuatu.\(^8\) The expenditure of the budget is centralised in Port Vila. The centralisation of formal services poses a significant problem, as 75 per cent of the population live rurally.\(^9\) With victims located in the regions and courts located in urban areas, a physical barrier to justice is created.

RECOMMENDATIONS

Businesses are poised to contribute to the development of the rule of law globally. An example of a framework for business participation is the United Nations Global Compact Business 4 Rule of Law. This initiative supports the rule of law through directing services, strategic social investment, and policy engagement to a public issue.\(^10\) The framework engages the private sector in protecting human rights and promoting access to justice.

Core Business: Collection of Data & Monitoring

Data on kastom relies on anecdotal evidence. The quality of the data in the formal system is limited, as the sector does not follow standardised methods for recording information, and there is no central case management system. Primary data from the Courts is neither gender nor age disaggregated, preventing an understanding of the demographics.\(^11\)

Vanuatu must commit to further data collection to effectively address the barriers to access to justice by women, as the demographic of those in need must be known. The lack of demographic information adversely affects the courts’ ability to respond to the needs of victims.\(^12\)

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\(^{6}\) Criminal Procedure Code 1981, s 118; Forsyth 2011.

\(^{7}\) Policing and Justice Support Program 2016, p. 25.

\(^{8}\) Ibid, p. 53.

\(^{9}\) Ibid, p. 148.

\(^{10}\) LexisNexis 2015.

\(^{11}\) United Nations Women 2016, p. 177.

\(^{12}\) Ibid.

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LexisNexis® is also pioneering the consolidation of the laws of certain Pacific countries as part of its core business, for example, for Fiji. Through revising and publishing regional statutes and law reports, LexisNexis is enabling the proper functioning of the legal and judicial system by providing access to law and improving the efficacy of the administration. The reports are to be published online and in print bilingually, creating a legal reference framework. The creation of these databases permits for the monitoring of the legal system to identify inherent flaws and thus to improve access to justice.

Strategic Social Investment and Advocacy: Advancing Gender Equality
To ensure justiciability, women must be empowered to claim their rights. Education is the primary means for shifting social views. Gender parity at a primary level is equal, however, at a tertiary level, women have little access to educational opportunities. The Government must educate its future leaders, and create public awareness, explaining what constitutes a crime, individuals’ rights and the means of redress. Businesses must prioritise investment in the education of women and furthermore direct their advocacy and policy engagement towards advancing gender equality.

Strategic Social Investment: Funding
It must be acknowledged that any recommendations made to improve access to justice in Vanuatu are based on levels of funding which Vanuatu does not have. Vanuatu has no income tax and generates a small national revenue.

Financial support must be targeted at supporting victims of domestic violence. Investment should be prioritised to the Vanuatu Women’s Centre. The Australian Government currently funds 100 per cent of its budget. Moreover the Government funds 36 per cent of the operational budget of the Police, which includes the Family Protection Unit that provides direct support to victims. Businesses must invest funds and services in the region to assist government and non-government actors in the development of the rule of law.

CONCLUSION
Businesses have the technical capacity, funds and professional expertise to ensure that Vanuatu improves the quality and accountability of their legal system. They should continue to pursue responsible engagements such as these, which raise the corporate social responsibility profile of the business and assist in the development of good governance and stability in the region.
The disputes in the South China Sea provide the Asia-Pacific with an opportunity to pursue institutional renewal aimed at strengthening the rule of law. A major issue now facing the region is the standing of the Permanent Court of Arbitration (PCA) and the legitimacy of related NATO-based legal institutions as arbitrators of disputes in the Asia-Pacific. Philippines v. China will not be implemented short of a major conflict and does little to strengthen the rule of law in the region. Indeed, the ruling would have caused disruption and outrage no matter the outcome. In the event it lost the arbitration the Philippines would most likely have drawn the region’s attention to the PCA’s colonial foundations.

But we should not let history prejudice us against the positive story behind the PCA and similar NATO-based courts, all of which have made a substantial contribution to the rule of law in the North Atlantic and around the world. These courts should be respected generally and nations in the North Atlantic should seek to enhance the rule of law in that region. However, the inflexible expansion of North Atlantic institutions and legal jurisdictions to cover the entire international system is increasingly anachronistic and now serves to delegitimise court rulings and the rule of law in the Asia-Pacific.

Senior diplomats from the United States, including the current Secretary of State, have recently suggested to their Chinese counterparts that it is time to move beyond the South China Sea dispute. Meanwhile, the Philippines has made moves to revise its military relationship with the United States and move closer to China, despite the celebrations that surrounded the PCA ruling when the arbitration was announced in the Philippines’ favor. The Chinese have little interest in disrupting trade routes in the South China Sea and favour a peaceful resolution.

The diplomatic situation in the South China Sea has clearly moved on, meaning the main consequence of the PCA ruling is to provide the United States’ more belligerent allies with a legal justification for war against China. Comparatively minor disputes in the South China Sea should not be allowed to threaten the rule of law across the Asia-Pacific. Rather, the
The controversy surrounding this ruling could provide an opportunity to reassess the legal institutions required to resolve these disputes. What emerges is a clear need for new legal frameworks to resolve the problems faced by the Asian side of the Pacific.

The form such legal frameworks or institutions would take needs to be debated because the current expectation that nations in the Asia-Pacific will accept resolutions from essentially NATO courts is untenable. As the situation stands, regional actors are expected to accept the rulings of Western courts established over a century ago by mixtures of American billionaires, European aristocrats and Russian Czars to resolve North Atlantic problems. Crucially the PCA and related courts were rebuilt or founded alongside the NATO alliance in the aftermath of the Second World War. The North Atlantic was then the centre of global order and any agreement among its states could be imposed on the Asia-Pacific without due process or diplomatic consultation. In this same period China was in the middle of a brutal civil war following the defeat of Japan, and most neighbouring countries were colonies of NATO member states or occupied by the United States.

A model to address imbalances in the international system dating the late 1940s has already been developed by both China and Australia. The Chinese-led establishment of the Asian Infrastructure Investment Bank (AIIB) and Australia’s leading role in establishing the Asia-Pacific Economic Cooperation (APEC) forum have contributed to economic growth and diplomatic cooperation. There is a growing need to develop Asia-Pacific legal institutions to accompany these sister organisations and directly enhance the rule of law. In the case of the AIIB, the United States was inflexible and many of its regional allies ignored its demands to boycott the bank. In the case of APEC, the United States has benefited as an active and productive member. The AIIB is providing much needed development to both China’s western provinces and Central Asia. It will be crucial in reviving land-based trade routes to Europe and securing Asia-Pacific trade from maritime threats. The United States should seek to engage productively with Asia-Pacific institutions in the same way it did when the Europeans sought to establish similar organisations after the Second World War.

Lastly, the establishment of regional institutions should not be seen as a retreat from the international system. Nations maintain distinct internal legal jurisdictions and political subdivisions for both practical and political reasons. The stability of the international system already rests on regional blocs like the African and European unions. All institutions draw their legitimacy from the trust vested in them by the communities they serve. Different jurisdictions and subdivisions provide tailored solutions to local problems and act to consolidate the overall legitimacy of the larger national or international system. Existing international legal structures should always be open to necessary reforms and even discarded in the face of systemic threats to the rule of law. If the rule based order developed under the current international system is to be maintained following the decline of NATO, then other actors must be given a stake in the system.

The maintenance of a rules-based order in the Asia-Pacific is crucial to global prosperity and security. As the 21st Century progresses the Pacific peace will be as vital, or as destructive, to the rule of law as the Atlantic peace was in the 20th century.
Every year hundreds of thousands of vulnerable and disadvantaged people in Australia visit community legal centres and other legal assistance services to seek free legal help for a variety of legal problems. As a result, as Professor Gillian Triggs, President of the Australian Human Rights Commission has observed, ‘in practice, it often falls to community legal centres and legal aid organisations to ensure that the rule of law has meaning for the disadvantaged’.  

Community legal centres (CLCs) are not-for-profit community organisations that provide free legal assistance to over 216,000 vulnerable and disadvantaged members of the community each year. CLCs provide people with legal assistance in areas of law including family violence, relationship breakdown and family law, debt, consumer problems, problems with Centrelink, tenancy disputes, and employment issues.

Community legal centres give meaning to access to justice, a key element of the rule of law, in a number of respects, including through provision of access to legal assistance as well as by working to address structural and systemic inequalities within the justice system. While access to the justice system should not be dependent on the capacity of an individual to afford to pay for private legal representation, increasingly there are significant barriers to obtaining legal assistance in Australia. Combined with high levels of both met and unmet legal need, many vulnerable and disadvantaged

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members of our community must rely on one of the four publicly funded legal assistance providers in Australia—CLCs, Family Violence Prevention Legal Services, Aboriginal and Torres Strait Islander Legal Services, and Legal Aid Commissions.

Unfortunately, CLCs and other legal assistance providers are increasingly unable to meet this rising demand for assistance, which results for example in more than 160,000 people being turned away by CLCs each year. Further, rising demand for legal assistance is occurring against the backdrop of further reductions to government funding. For example, under the National Partnership Agreement for Legal Assistance, CLCs nationally are facing a 30% reduction in Commonwealth funding from 1 July 2017, with a reduction of $34.83 million over the period 2017-18 to 2019-2020.

This reduction and the ongoing funding challenges faced by the legal assistance sector mean that hundreds of thousands more people will miss out on the legal help they need and threatens access to justice and in turn, the rule of law itself.

Given the scale of the problem and the rising demand for legal help, reversal of the funding cliff is only part of the solution. There is also a need for increased investment in the legal assistance sector, as highlighted by the Productivity Commission in its 2014 Access to Justice Arrangements Inquiry and a longer-term vision for the sector.

In addition, these Commonwealth funding challenges are compounded by the inconsistent funding of legal assistance across Australia, which means that access to essential legal advice and assistance for vulnerable and disadvantaged people differs considerably, depending on where someone lives.

In addition, these Commonwealth funding challenges are compounded by the inconsistent funding of legal assistance across Australia, which means that access to essential legal advice and assistance for vulnerable and disadvantaged people differs considerably, depending on where someone lives. This underscores the importance of Commonwealth leadership in developing a mechanism that ensures adequate investment by all levels of government in legal assistance.

We know that unresolved legal problems generate a range of flow-on effects and that access to legal help can prevent or reduce the escalation of legal problems for individuals.

We know that investment in legal assistance makes economic sense. For example, the Productivity Commission has noted, ‘legal assistance services can prevent or reduce the escalation of legal problems, which in turn can mean reduced costs to the justice system and lower costs to other taxpayer funded services (in areas such as health, housing and social security payments).’

We also know that CLCs play a vital role in giving practical meaning to the rule of law through provision of legal assistance to individual clients, as well as broader early intervention, policy, advocacy and law reform work and community legal education.

What is less clear is what the future holds for the legal assistance sector, or how we ensure that vulnerable and disadvantaged people have access to legal assistance they need in the face of rising demand and ongoing reductions in funding. As a result, we must continue to work collaboratively across the legal assistance sector, the legal profession and with all levels of government to address this issue and to ensure that the rule of law continues to have meaning for all members of our society.

It is not peculiar to the South China Sea (SCS) that commercial incentives to catch as many fish as possible encourage over-exploitation of fish stocks and threaten the integrity of the marine ecosystem. A disproportionate focus on the current SCS maritime disputes may harm the rule of law regarding marine resources conservation, and overlook a critical group of stakeholders in this regard – the fishing businesses. The Philippines-China Arbitration highlights certain limits of the Tribunal, yet from a fisheries management perspective, this case exposes the concern that an unbalanced attention towards dispute settlement may take an unnecessary priority over the pressing need to govern sustainable commercial fishing in the region. This would further set aside longer-term environmental conservation objectives.

The United Nations Convention on the Law of the Sea (LOS Convention)[22] extends coastal states’ fishing jurisdiction to the 200nm exclusive economic zone (EEZ), where 95% of the global commercial fish resources occur.[23] The SCS is a well-known hub of tropical shallow-water biodiversity,[24] it is also a region with three of the world’s top fishing nations.[25] Unsustainable fishing practices, especially illegal, unreported, and unregulated (IUU) fishing, continuously pose serious economic and environmental concerns to states, regional and international organisations. The LOSC provides certain duties of state parties...
when fishing in their respective maritime zones,26 however this is based on the assumption that these zones are clearly delimited, or in practical terms, uncontested by coastal states. In the SCS, not only is the status of many maritime features challenged (for instance, rocks/islands and low-tide elevations), understanding of the associated maritime entitlements and legality of state activities is far from settled. The issue of sustainable commercial fishing is at the risk of being downgraded to a matter of argument in dispute settlement or a subsidiary issue that lacks traction due to its intricate relationship with the notion of territorial sovereignty.

China’s failure to protect the marine environment and prevent its nationals from exploiting the Philippines’ living resources in the latter’s EEZ was precisely one of the arguments put forward.27 Upon deliberation of China’s practices at Mischief Reef and Second Thomas Shoal, the Tribunal ruled that the LOSC imposes obligations directly on both private parties engaged in fishing as well as flag states with respect to fishing by its nationals.28 It may be beneficial that this ruling clarifies the law regarding parties’ ‘due regard’ and ‘due diligence’ obligations,29 however less helpful from the perspective of fisheries management. The imminent issue of fisheries depletion is not subject to outcomes of dispute settlement, it needs to be addressed independently and proactively before damages become irreversible.

Commercial fishing rights are also closely connected to the thorny issue of sovereignty in the SCS. Settling disputes regarding maritime entitlements requires an interpretation of the applicable rule of law against the backdrop of territorial sovereignty. The complication is that the Tribunal does not have jurisdiction to address this matter. Despite its statement that the Arbitral Award is not dependent on the finding of sovereignty,30 this concept is nonetheless crucial and problematic. China asserts historic rights and sovereignty based on the ‘nine-dash line’ and rejects the Tribunal’s rulings. Although the decision may facilitate some Southeast Asian states claiming EEZs, its practical application is troublesome without clearing the sovereignty roadblock. When facing a regional superpower who considers safeguarding fishing rights part of safeguarding sovereignty, and is prepared to take a tough stance in fisheries conflicts,31 tackling the relatively subsidiary issue of fisheries over-exploitation is at the bottom of the list. Further, documents adduced by the Philippines pointed to China’s harmful fishing practices and harvesting of endangered species. The Tribunal competently exercised its jurisdiction to address the violation of LOSC Articles 192 and 194(S) in this regard, but the critical next step is to execute measures that are capable of correcting unlawful behaviours. It may well be possible that current IUU fishing businesses are taking a free ride when international spotlight is on the geopolitical tension build-up. From the dispute settlement’s perspective, at least a closer nexus needs to be fostered between states’ maritime claims (sovereignty or EEZ) and responsible commercial fishing to ensure a sustainable future.

However it may be argued that although in dispute, states do not contest their treaty obligations on marine environmental conservation, and many have enacted domestic laws to the same effect. China, for instance, have long-established domestic fishing operation measures and enforcement mechanisms.32 This interplay between international and domestic rule of law seems logically compatible until a sharp discrepancy was revealed in the Arbitration. The ‘Nansha certification of fishing permit’ issued by the Chinese government to its nationals fishing in the Spratly Islands is legitimate under domestic law, yet the legality (under international law) and consequences of fishing activities following these permits must be examined on a multi-dimensional front. Moreover, information presented in this Arbitral Award offer valuable insights to the current commercial maritime activities in the region. Attention and further investigations beyond the remit of the Arbitration would be valuable for exploring the potential contribution of the diverse stakeholders (especially businesses and other non-state actors) in marine environmental management moving forward.

The protracted maritime dispute in the SCS may detract from regional attention and effort in preserving the fragile marine ecosystem. Balancing the focus towards sustainable resources and environmental protection is to enhance the fundamental principles of the LOSC and broader rule of law regarding responsible commercial fishing practices. A dispute can be resolved through a variety of means, but a ‘tragedy of the commons’ will be permanent. ©
The Story of Wellgyi and Its Maker

I first heard of the plight of farmers in Myanmar on August 6th, 2013. It was the day I met Daw Aung San Suu Kyi, Nobel Laureate and now the State Counsellor of Myanmar. We were discussing ways in which LexisNexis® could support the rule of law in this fledgling democracy and talked about launching an awareness campaign on a set of Farmland Laws which had been enacted to enable farmers to register their interest in land. I later learned that Myanmar does not have a fully functioning land registration system. Farmers and citizens all over the country grapple with the challenges that come with this lack of transparency and thus began my quest to address this problem.

I was first told about the Wellgyi documentary in April this year. The film is named after a village called Wellgyi located within Naypyitaw, the country’s capital. I am told that the air is fresh, the landscape is beautiful and the people are warm and welcoming. It used to be a farming community of mostly rice fields and villagers lived off their land – until the then military government declared the land to be public property and rendered the farmers of Wellgyi homeless and defenseless.

Without an official way of proving that they owned the land, the farmers started to protest; fighting for their rights, their homes, their (continued)
livelihood. They were thrown in prison, leaving struggling family members to soldier on, coping the best they could with the hand that they had been dealt.

The documentary tells their story with poignant and raw emotion. It lures you so deeply into each tale that without realising it, you have immersed yourself in their world, feeling what they feel and thinking their thoughts. You experience a potpourri of emotions and end with a deep desire to right a wrong.

There is little you can find on the web about the film or Htet Aung San, its maker. We first met this July in Yangon over breakfast and both Htet (pronounced Tet) and Lucy, his girlfriend are a delightful pair. They overcame their shyness very quickly and their youthful optimism surrounded the entire table as we talked about Myanmar and how the country has progressed in recent months.

Lucy, 22, warmed up quickly and began asking me questions about who I was and why I cared. I promptly answered – trying my very best to earn her trust and approval. For the past two years, I have been working on an innovative way to map, register and administer land in Myanmar. My goal is to have ordinary citizens and farmers empowered to play an active role in shaping the entire ecosystem for land registration and administration. I wanted to launch the pilot of Technology for Land Rights in Wellgyi.

Twenty-three-year-old Htet is quiet, thoughtful and always curious. He speaks in measured tones, always thinking and planning and he clearly has a purpose in life. He wants his stories to engender action. He wants people to laugh, cry and connect with his work. His eyes light up as soon as he hears of an emotional response to his film but he is after something bigger – he wants people to be inspired to act.

He spent four months in 2015 filming the documentary in Wellgyi village. At that time, the military government was still in force and when asked why he was filming, he would say that he was making a travel documentary showcasing the beautiful landscape of the countryside. He then surreptitiously filmed these characters. He lived with them and at that time, they didn’t even know what a camera was, so they just trusted him with their stories and never knew what he was doing with it.

Since its release, the film has won the Peter Wintonick Award at the Human Rights Human Dignity International 2015 and Country Best Award at the Creative International Open Film Festival 2016. As a result of the attention that the film has brought to this issue and the farmers who were imprisoned, the newly formed Myanmar government released these farmers in April this year.

This story, brilliantly told, inspired people to stand with the farmers and demand for their release. “That’s why I love filmmaking”, Htet says. I started asking him about his next project and he said “I don’t have a camera”. I was stunned. I asked him how he made this film and he said he borrowed the camera. This wonderfully talented human being who moves mountains with his storytelling doesn’t have the tools he needs to pursue his calling. I am raising funds to buy Htet a camera so that he can continue telling his stories. If you would like to help, contribute or just want more information, please email me at gaythri.raman@lexisnexis.com.

After an inspiring hour listening to Htet and Lucy, we then began to plan my first trip to the Wellgyi village. After telling me that I would be in awe of the beauty of the people and the landscape, he added “you won’t like the toilets” with a mischievous glint in his eyes. ☺
LexisNexis invites you to explore the LexisNexis Rule of Law Impact Tracker, freely available online. The Rule of Law Impact Tracker is an interactive tool that quantifies the relationship between the rule of law and economic and social indicators. It brings together data from the World Justice Project, the World Bank and Transparency International to power an interactive infographic. Countries are scored against 44 indicators across eight categories, based on interviews with 100,000 households and 2,400 experts around the globe. Using this data, countries are given an index that gives an indication as to their performance in the rule of law.

The Tracker allows users to explore not only why the rule of law is vitally important to sustainable global development but also what's truly possible in the world if we work together to affect change. The easy to use tool includes an index map and a rankings chart that give an overall picture of the state of the rule of law across the world. Users of the Tracker can explore the correlation between the rule of law and five key indicators: GDP per capita, child mortality rates, homicide rates, perceived public sector corruption and life expectancy. The resulting charts can be used as an investigative tool when considering conducting business in a foreign jurisdiction. Importantly, it can be used by business and organisations to target their rule of law projects and outreaches. The tool also provides an insight into what is possible by allowing users to track percentage increases in the rule of law against the benefits this will have on GDP per capita, homicides, child mortality rates and average life expectancy. For example, you will see that a 10% increase in rule of law could increase life expectancy by 2.3 years and decrease child mortality rates by 7.9 per 1000.
