Time for UN Intervention in Burma/Myanmar:

A Threat to International Peace and Security

National Council of the Union of Burma
October 2003
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PART 1

Executive Summary

On May 27, 1990, after 28 years of authoritarian rule, the people of Burma, who had never had a chance to elect their own government, finally and joyfully did so. It was an expression of the people’s true desire for self-determination and freedom from fear. The results of the 1990 general election - overwhelmingly in favor of the National League for Democracy (NLD) - surprised the international community and watchers of Burma’s politics around the world. The people of Burma demonstrated that they were politically mature enough to make such a choice even though they had lived under rule of one of the world’s most brutal military dictatorships for nearly three decades. Sadly, their will has yet to be recognized.

During the days before the election, the State Law and Order Restoration Council (SLORC), the then military regime, promised that they would transfer power to the elected body. But the military regime reneged on its promise. After nearly 10 years with no progress, the United Nations General Assembly approved numerous resolutions and urged the regime to recognize the people’s desire. To date, the country is still under the repressive rule of the military regime.

Despite a series of resolutions adopted by United Nations General Assembly, Crimes against humanity and human rights such as the arbitrary detention, tortures, imprisonment without fair trials, forced labor, forced relocation, killing and so forth are still widespread all over the country. At the same time, the regime violates the international laws, especially the provisions of the CRC and CEDAW, though Burma is a state party to both the conventions. Three kinds of genocide - National (Political), Religious, and Ethnic - are being carried out by the military regime. On the other hand, the current State’s structure and mechanism without rule of law and without a State Constitution encourage the human rights crimes, and endanger the regional peace and stability.

Thus, all the doctrines and practices of Burma military regime meet the criteria to put Burma on the agenda of the Security Council: its evident gross human rights violations, its atrocious crimes against humanity, and its threat to international peace and stability.

The United Nations Secretary-General in his June 2, 2003 statement noted, “The people of Myanmar are overwhelmingly in favor of change and deserve to experience the same economic, social, and political benefits as the peoples in the rest of South-East Asia.” The entire international community should share his view and take immediate and effective action against Burma’s military regime.

Our report is prepared and submitted to provide genuine information to the international community in order to assist its consideration for effective action against the military regime in Burma. Here we respectfully express the view of Daw Aung San Suu Kyi in her message marking the 50th anniversary of the Universal Declaration of Human Rights on December 10, 1998. In it she said, “It is my hope that our common aims and sufferings will create a strong sense of solidarity that surpasses national frontiers and cultural differences. We struggle with a sense of purpose and an unshakeable faith in the power of compassion and endeavor and universal brotherhood.”
Our report addresses the long-term and complex problems of Burma from two angles: human rights and political. The military regime’s policies threaten the peace and security of Southeast Asia in a number of ways: violent reactions to tensions on its borders with Thailand and Bangladesh, internal human rights abuses that embarrass ASEAN, economic mismanagement resulting in mass movement of people across its borders, civil war causing the flight of hundreds of thousands of villagers into neighboring countries, and a thriving drug industry that puts the people of neighboring countries and countries around the world at risk both of drug addiction and HIV infection.

Our report attempts to demonstrate that “the concern for humanity is at top of all national, regional, and global concerns.” We strongly are willing to become an invaluable member of the international community. We want the international community to earnestly and effectively support our cause. We have the burning will to participate freely, actively, and fruitfully in the activities of the world’s family such as peace, security, stability and etc. We do hope that the United Nations will help us to achieve our goals of freedom and self-determination.
Country Report

Burma/Myanmar is a Southeastern Asia country with coasts on the Andaman Sea and the Bay of Bengal. The area of the country is 678,500 sq km; it shares borders with Bangladesh and India in the west, China in the north and Laos and Thailand in the east.

Burma has a tropical monsoon climate, and it is rich in natural resources such as petroleum, timber, tin, antimony, zinc, copper, tungsten, lead, coal, some marble, limestone, precious stones, natural gas, and hydropower.

With a population of nearly 52 million people (2003 estimate), Burma is a multi-ethnic country; the Arakanese, the Burmans, the Chins, the Kachins, the Karens, the Karennis, the Mons, the Shans are the major indigenous national races of Burma. The official language is Burmese and other ethnic groups have their own languages.

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1 The conventional name for the country is ‘Burma’ but the ruling military regime, without any approval by a sitting legislature, changed it to ‘Myanmar’ in 1997. This report will use the conventional name.
Historical Background

Pre-World Wars Period

After three Anglo-Burmese wars spanning over a period of 60 years (1824, 1852 and 1885), all of Burma was colonized as part of the British Empire in 1886 and immediately annexed as a province of British India. In 1935, the Government of Burma Act formally separated Burma from the Indian colony. During the Second World War, the Japanese drove the British out with the assistance of Burmese nationalists. However the Japanese reneged on their promises to grant Burma independence. For that reason, Burmese nationalists secretly organized a nationwide coalition named the Anti-Fascist People’s Freedom League (AFPFL) to expel the Japanese.

The founder of Burma army and one of the leaders of AFPFL, General Aung San (father of 1991 Nobel Peace Laureate Daw Aung San Suu Kyi) established contact with the Allies and negotiated an agreement with the British to help them defeat the Japanese.

Post-World Wars Period

After the end of the Second World War, Burma was again under the British. More Burmese nationalists and politicians joined the AFPFL, which became the most popular political front. Gen Aung San, as the General Secretary of the League, made efforts for reconciliation and unity in the country by holding regular meetings with ethnic leaders throughout Burma.

In 1947, together with representatives from the frontier areas, Gen Aung San and the Burmese leaders signed a significant agreement to unite and to fight jointly for independence, and to establish the Union of Burma. That agreement is known as the ‘Pang Long Agreement’.\(^2\) In recognition of this step, following a conference in London, Britain promised Burma independence.

Unfortunately, before the constitution was drawn up, the national leader Gen Aung San, aged 32, and six ministers of his newly formed cabinet were assassinated. In January 1948, six months after the tragedy, Burma gained independence from British.

The 1947 Constitution failed to reflect the spirit of ‘Pang Long Agreement’, it was federal in form but unitary in essence. Civil war began soon after the country gained independence, as the communist factions went underground and Karen National Union (KNU) reacted in self-defense to military attacks by pocket army troops of Gen Ne Win who was then Vice Chief of Staff of the Burma army.

Attempts for national reconciliation were made by both the government and opposition groups throughout the next 10 years without success. Eventually the AFPFL government itself split into two factions. The then Chief of Staff General Ne Win took control of the government in 1958, as a “caretaker government”. And following the general election in 1960, he returned power to civilian rule.

Citing the threat of secession by the ethnic states as an excuse, General Ne Win staged a military coup on March 2, 1962 and announced the establishment of the “Revolutionary Council”.

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\(^2\) The essence of Pang Long agreement provided for the Burma proper, the federated Shan States, the Kachin and the Chin’s hill areas to obtain independent at the same time, and establishment of a Union on the basis of ethnic equality.
Revolutionary Council ended Burma’s brief period of democracy by abolishing the Constitution, claiming that the military saved the country from disintegration.1 Just three months after the coup, a major student demonstration against the military regime was staged at Rangoon University, but the regime brutally suppressed the protest killing more than 100 students and injuring hundreds more. The military blew up the Student Union building on the campus, claiming that it was headquarter of the insurgents.

Gen Ne Win proceeded to re-organize political power in an authoritarian direction. He abolished the 1947 Constitution, dismissed parliament, banned political parties, replaced the independent courts, and formed a hierarchy of councils reaching the village level. He also detained the Prime Minister U Nu, cabinet members, the Chief Justice, Members of Parliament, leaders of non-Burman ethnic segments (especially of the Shans), politicians (both on the left and the right of the political spectrum), and so on; closed down papers and imposed censorship.

Within a few years of nationalizing industry and prohibiting the masses from engaging in private economic activity, exports declined. There were shortages of basic commodities, and the standard of living declined rapidly.

In 1974 the regime adopted a new Constitution and changed the country’s name to the Socialist Republic of the Union of Burma. The Burmese Socialist Program Party (BSPP), a party that the generals had created when they seized the state power in 1962, was adopted as the only legal party in Burma. Through a controlled election, Burma’s military leaders transferred power to themselves as civilians, with Gen Ne Win, chairman of the Revolutionary Council, becoming U (Mr.) Ne Win, chairman of the BSPP and President of the new Socialist Republic of the Union of Burma.

From 1974 to 1988, the BSPP ruled Burma as a one-party state, suppressing all protests and demonstrations against military rule through use of the armed forces. In this period, the nation’s economic problems grew, and in 1987 the United Nations declared Burma as a Least Developed Country (LDC). It had been one of Asia’s richest countries when Gen Ne Win took over. For the third time in 1987, the BSPP demonetized three units of currency with no warning and no offer of replacement. As a result, more than 70 percent of Burma’s currency became worthless and people’s life-savings were lost forever.

During these times, there were a number of anti-BSPP protests by students, workers and monks. These protests included a demonstration at the funeral of former United Nations Secretary-General U Thant. The military stormed the campus of Rangoon University and imprisoned hundreds of activists.

Owing in large part to the extreme hardships associated with the so-called “socialist” economic failures and the monopolization of political and economic resources by the military, Gen Ne Win’s state “of the soldiers, for the soldiers, by the soldiers” finally was confronted and challenged by popular forces in a countrywide uprising.

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1 The Revolutionary Council viewed the movement by the ethnic nationalities to amend the Union’s Constitution to allow for a federal system of government as an attempt to break up the country.
1988: Prospects for Re-emerging of Democracy

Seeing at last a possible escape from military rule, economic decline and routine human rights abuses, thousands of people took to the streets of Rangoon following a series of student demonstrations in March and June, which the regime brutally cracked down by using its armed forces. And intermittent protests against the regime continued; demonstrations began to occur in other cities too. In July 23, 1988, the BSPP called an “emergency congress” with a political ploy of changing the state economic policies and guidelines. Ne Win, the BSPP chairman, announced his resignation from his position as well as from his party just before making his most notorious speech: “Concerning the future tendency of mass protest, the people must bear in mind that if the army shoots, it shoots to kill. Not over the head.”

Under this threat, people assembled for non-violent demonstrations in every part of the country on August 8, 1988. At midnight in Rangoon, the army troops began a massacre, firing into crowds of men, women and children gathered at the City Hall. For weeks the demonstration by the people continued. The military continued to suppress then by using brutal methods during which almost all the civil administrative mechanism halted and the people established their own local administrations. Just when democratic changes seemed imminent, the recently retired Ne Win commandeered the army and controlled it from behind the scenes. On September 18, 1988, the army established a ruling body called State Law and Order Restoration Council (SLORC) and took control of the country. From 8.8.88 to the time of establishment of the ruling body, at least 10,000 demonstrators were believed to be killed across the country. As a result, thousands of students and democracy activists fled to neighboring countries. The majority of them fled to the Thai-Burma border and joined forces with the ethnic organizations to continue the struggle for freedom and democracy.

Attempting to divert international condemnation for its violence, the SLORC announced that it would hold multi-party general election. During this time of unrest, General Aung San’s daughter, Daw Aung San Suu Kyi who had been living abroad returned to Burma to care for her ailing mother. Under the persuasion of students and others opposed to the regime, Daw Aung San Suu Kyi and like-minded colleagues founded the National League for Democracy (NLD). The NLD party quickly gathered nationwide support. The old BSPP, former generals’ party, became a registered party for election by renaming it as National Unity Party (NUP). The SLORC regime turned over the properties and resources of BSPP to NUP and gave it support openly in the whole country.

Although committed to non-violence, the military junta placed Daw Aung San Suu Kyi under house arrest in July 1989 on the trumped up charges of “endangering the state” and held her for the next six years. In 1991, she received the Nobel Peace Prize for her commitment to nonviolent resistance and peaceful change.

Desperate to improve its image and generate foreign investment, the SLORC went ahead on May 27, 1990 and held the multi-party general election it had promised. Despite severe repression of political parties and the complete lack of freedom of expression throughout the country, the NLD won a
landslide victory with 82% of the seats (392 out of 485 seats). However, the SLORC refused to acknowledge the election results and retained its grip on power ever since.

**Democracy’s Light Begins to Dim**

After seizing state power, the SLORC made cease-fire agreements with most of the armed ethnic groups. Opium warlord Khun Sa, seen as responsible for about half of Burma’s annual opium crop of more than 2,000 tons, surrendered to the government in January 1996 along with thousands of his Mong Tai (Shan State) Army fighters.

The SLORC’s other major campaigns to eliminate all threats to its rule targeted the NLD. Following its total defeat in the 1990 election, the SLORC nullified the election results and disqualified, detained, arrested, or drove into exile many members of parliament elect. Since then, 280 of the 480 members of parliament-elect have been jailed, disqualified, forced to resign under threat, have gone into exile, or died. A total of 43 members of parliament elect remain in prison. Pro-democracy activists and human rights supporters continually were persecuted, imprisoned and abused. After the general election, the military junta started to ban a large number of activist organizations and some political parties as unlawful associations. Other political parties that did not obtain any seat in the parliamentary election were abolished. On December 18, 1990, the elected Members of Parliament formed the National Coalition Government of the Union of Burma (NCGUB) while in exile on the Thai-Burma border.

In 1992, Burma rejoined the Non-Aligned Movement (NAM), which it had left in 1979 while under BSPP rule because of perceived Soviet manipulation. In this year too, the SLORC called for a National Convention to lay down guidelines for a new constitution. Almost 700 delegates, the majority of them chosen by the SLORC, began meeting in January 1993. These guidelines set by the SLORC contained 15 chapter headings and 104 basic principles for inclusion in a new constitution. The SLORC demanded that it (the army) be constitutionally guaranteed for a “leading role” in politics and 25% share of power in all branches of the government.

In late 1995, when the SLORC reconvened its constitutional convention after a three-year delay, the NLD party boycotted it because of its emphasis on the army’s role in government, instead of democratic principles. In 1996, the military regime ordered the arrest of 250 NLD members for holding a celebration in honor of the 1990 election victory. And then meetings by the NLD were banned.

In April 1997, the United States banned all new investment in Burma and the European Union extended its economic sanctions for its dire human rights records and political persecution. As a result of international pressure, in November 1997, the SLORC regime changed its name to the State Peace

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5 Point 6 of “Objectives” on the agenda of the National Convention called for “Participation of the military (Tatmadaw) in the leading role of politics in the State of the future.”
National Council of the Union of Burma

and Development Council (SPDC). The regime was admitted into the Association of South East Asian Nations (ASEAN) in July of that year on the recommendation of Malaysia and with support from Indonesia.

The NLD Party Congress on May 27, 1998, decided again to call upon the regime to convene parliament. Ethnic nationality parties and MPs submitted similar demands to support the NLD. On June 23, 1998, the NLD called on the SPDC authorities to meet their demand by August 21. On Sept 16, 1998, the NLD together with other four ethnic political parties formed the Committee Representing the People’s Parliament (CRPP) in light of the SPDC’s failure to comply with election results, its refusal to allow parliament to convene for nine years, and its failure to convene parliament. The CRPP was supported by 251 parliament members, including MPs from other parties. It annulled all laws promulgated since Sept 18, 1988 and called for the release of all political prisoners.

The SPDC immediately responded by arresting 110 NLD MPs and officials. By the end of 1998, the SPDC had shut down 43 NLD offices. It demanded the dissolution of the CRPP as a pre-condition for talks with the opposition.

The CRPP issued a resolution on the 10th anniversary of the election in which it clearly stated that it would never relinquish the demand for recognition of results of the general election, which was achieved through the blood and sweat of thousands of monks, students, and citizens. Also it stated that as a member country of the United Nations and for the purpose of maintaining its reputation and integrity, the country had to comply with the United Nations Charter and abide by all the conventions and agreements of the United Nations and its associated organizations and bodies (including the International Labour Organization and the United Nations Human Rights Commission).

In 2000, the SPDC lifted some of the restrictions on Daw Aung San Suu Kyi and the NLD but continued its refusal to convene a parliament, recognize the NLD’s status or respond to pro-democracy demands. In 1992, reacting to concern about the situation in Burma, the United Nations High Commissioner for Human Rights appointed a Special Rapporteur with a mandate to monitor and promote human rights in Burma. Additionally, on April 4, 2000, United Nations Secretary General Kofi Annan appointed Tan Sri Razali Ismail as the special envoy for Burma and charged him with reinvigorating efforts to achieve national reconciliation. On September of that year, Daw Aung San Suu Kyi was placed under house arrest again after attempting to travel to the northern city of Mandalay on party business with senior NLD members. It was learnt that secret talks, brokered by Razali Ismail, began in October between Daw Aung San Suu Kyi and the junta, but neither the regime nor the special envoy announced detailed progress. However, at that time the routine demonizing in government publicity of the NLD and Daw Aung San Suu Kyi stopped, and some NLD offices were allowed to reopen, which were the minimum concessions to keep international criticism at bay. On May 6, 2002, the regime announced that after 19 months, the house arrest restrictions on Daw Aung San Suu Kyi had been lifted and she was free to carry out political activities. Local NLD township offices reopened around the country.
In September 2002, the NLD called on the SPDC to fulfill its pledge to begin negotiations for handing over power to the elected representatives. Ethnic nationality opposition groups called for their inclusion in negotiations between the government and the NLD.

The third Human Rights Special Rapporteur to Burma, Paulo Sergio Pinheiro, was compelled to cut short a mission to Burma in March 2003 when a bugging device was discovered in a room where he was interviewing political prisoners. In April 2003, Daw Aung San Suu Kyi complained publicly for the first time about lack of progress in national reconciliation talks.

On May 30, while Daw Aung San Suu Kyi and her party were making a political tour to promote the NLD, their entourage was attacked by a group of thugs consisting of about 500 armed soldiers, members of the regime-backed Union Solidarity and Development Association (USDA), and an unknown number of convicts recruited from prison. In the deadly skirmish that lasted for about an hour, the attackers beat up NLD members and shot at them with catapults. Soldiers also opened fire killing and wounding a large number of NLD members. Up to seventy or eighty people were believed to be killed in the attack. More than one hundred people were arrested and many disappeared after the incident.

The SPDC regime proceeded to detain Executive members of the NLD and elected Members of Parliament, and close all the NLD offices including the headquarters of the party. The regime ignored all pleas from international governments and rights groups to make an official investigation concerning the massacre; instead it described the incident as a spontaneous clash between supporters of NLD and its opponents among the people. It stated that Daw Aung San Suu Kyi was not injured and that she was under a protective custody for her own safety. Everyone except the regime recognized that the events of May 30 were premeditated, systematically planned and conducted by the SPDC.

Despite international pressure for the release of all political prisoners in Burma, including Daw Aung San Suu Kyi, and calls for national reconciliation, the regime went on ignoring the election results, asking for support in drawing up a new constitution — one that would guarantee their leading role in the country’s future politics.

**National Council of the Union of Burma (NCUB)**

NCUB is an alliance organization formed on September 22, 1992 by various organizations based on the Thai-Burma border in order to act as a political platform for pro-democracy and ethnic organizations. It has a significant role to play in initiating strategy co-ordination, program co-operation for urgent political change and policy-strategy for transition. At the same time, the NCUB is also a key actor in encouraging domestic and international activism to bring peaceful democratic transition to Burma.

Since the formation of the National Council of the Union of Burma (NCUB), it has been consistently working for peaceful democratic transition in Burma. It has called for tripartite dialogue in order to solve the country’s political problems peacefully since 1993. Today, the call for a tripartite dialogue is echoed by all involved in the struggle for peace and justice in Burma. The NCUB has been advocating
the concept and strategy of tripartite dialogue to address together the problems facing the ethnic nationalities and to work collectively for democracy.

At the same time, the NCUB has been working to stop the illegitimate National Convention from going forward. It also has been working for the release of Daw Aung San Suu Kyi and all other political prisoners, freedom of movement for all political parties and nationwide cease-fire through an active non-violent movement consisting of international lobbying and advocacy. The NCUB has raised awareness about democracy, federalism and national reconciliation among the exiled and migrant population, grass-roots activists inside Burma and in the international community through media and collective efforts of pro-democracy and ethnic organizations along the Thai-Burma border and in exile.

Keeping in mind the interests of the people of various nationalities, the NCUB adopted the following guidelines for action and decided to implement all programs necessary, for the demise of the military dictatorship and the early emergence of democracy, at the emergency meeting held on June 9, 2003:

1. To work on with the aim of gaining respect for and fulfillment of the 1990 election results;
2. To abolish the terrorist military clique, employing all the means available;
3. To heighten the capacity and momentum of movement of the masses;
4. To continue the struggle against the military dictatorship and the endeavor for genuine national reconciliation, in close cooperation with all organizations fighting against the terrorist military clique;
5. To step up efforts for obtaining international support.

It is clear that Burma’s crisis under the military dictatorship has regional and international implications. Therefore, the NCUB has called on the United Nations, the international community and ASEAN to consider political intervention. A handful of “road maps” for a political transition has resulted. However, in considering political intervention to solve Burma’s problems, all parties should be careful to respect the will of ethnic nationalities and the political parties of Burma. Political intervention must allow for and recognize the participation of those who have been elected democratically to represent the people.

Lack of democracy, increasing crimes against humanity, and the war against ethnic nationalities and genocidal acts on the basis of religious and political differences by the military junta has created a flow of political refugees and migrants into neighboring countries. The lack of rule of law gives rise to the manufacture of narcotics, which also flow into neighboring countries and beyond, creating social problems and security issues for all concerned.

Among the ASEAN family of countries, Burma’s instability in politics — which already has led its own country into economic and social chaos — now threatens regional peace and stability. Leaders of regional governments recently started giving voice to their concerns about the rapidly deteriorating situation. Hence, we strongly believe that effective and concerted political action by the international community and efforts to boost the momentum of the democracy movement inside are vitally important for overcoming the problems in Burma.
On top of denying the mandate of the 1990 election and refusing to hand over power to the NLD, the junta has been moving aggressively to eliminate political opposition. The recent ambush of May 30 is in total disregard of the many Resolutions of the United Nations General Assembly on Burma and shows that the military junta has no respect for dialogue process. It is proof that the prospects for progress through setting up the basic foundation of a genuine multi-party democratic system is likely to be eradicated, unless outside interventions occur immediately.

Stopping oppression by the military dictatorship of the ethnic nationalities is imperative to development, peace and stability in Burma. The prolonged conflict has broadened and deepened. It is now evident that the people of Burma alone cannot solve these problems; they require the political intervention of the world community.

Recognizing the severity and urgency of Burma’s problems, the U.N. Secretary General had tasked his special envoy Mr. Razali Ismail to realize the U.N. Resolutions, but sadly his efforts are not acknowledged by the junta. This indicates not only the SPDC’s lack of respect for the U.N. efforts, but also the need for a change in approach.

We call upon the international community and the United Nations to coordinate all their efforts. We request the United Nations’ Security Council to take an active part in the “Burma Peace Process.” We would like the U.N. Security Council to develop and implement an effective mechanism to convene the people’s parliament and hand over power according to the will of the peoples as expressed in the 1990 election results. Only then will lasting peace, development, and progress be seen in Burma and only then can it become a dignified member of ASEAN and the international community.
PART II

Burma meets all three conditions for consideration on the U.N. Security Council. It poses a threat to regional and international peace and stability, war crimes are occurring, and it crimes against humanity are taking place. This section will describe the nature and extent of the ruling military regime’s violations of international human rights codes and how it presents a threat to regional and international peace and stability. In describing each issue it will also include the actions taken so far on the part of the international community and what further must be done.

I. Rule of Law, or “Law and Order?”

1. The regime’s administrative bodies and military officials controlled wholly the judicial system in Burma. The regime propagates laws for its own benefit, does not hold itself accountable to laws, and uses laws to persecute civilians who challenge its legitimacy.

2. The current Chief Justice U Aung Toe was installed by the SLORC in September 1988 by decree called the Judiciary Law that caused the summary dismissal of approximately 62 Judges, closed the courts until June 1989 and established military tribunals. Although the military tribunals ceased in 1992, the military controls all of Burma’s major institutions, which includes the judiciary. U Aung Toe through his participation in Law Asia has signed a document called the Beijing Principles on the Independence of the Judiciary that articulates 44 principles, consonant with those articulated by the U.N. in various forms. In November 1998, when the SPDC summarily dismissed five Supreme Court Judges, U Aung Toe protested neither privately nor publicly. The Supreme Court is closed to all, thus precluding public scrutiny. The removal of five out of six judges in the Supreme Court led observers to understand that the military junta has no tolerance for independent judges. In fact, the situation is even worse than international observers realize, as the removal of judge at lower levels is unknown to the international community. There is no protection for a judge in terms of tenure or other provisions regarding dismissal from office.7

3. Power to promulgate or amend the laws in Burma is not determined by the independent legislative body or representatives elected by people, but by the regime. Since 1988, the regime has amended and promulgated some laws and acts in order to solve their political problems, not for the needs of the country. The generals often use the term “law and order” in their speeches. “Law and order” means forcing the people to obey the law provided by the current military regime whether they are just or not. Human rights activists and defenders are tortured, arrested and harassed under the pretext of national security law.

4. The regime’s refusal to recognize the people’s rightfully elected representatives is itself an example of the absence of rule of law in Burma.

5. Under “law and order,” as opposed to rule of law, the military regime itself is the law. According to the current situation, law is only for the observance of people, not for the military regime and its

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authorities. They always seek high impunity, while people are abused their national rights and civilian rights. Any legal suit against government bodies or military personnel is impossible, and anyone who submits a legal suit against the government will find their security threatened and outside the protection of any court.

6. In the SPDC’s “Turning of a New Page” speech in early May of this year, it pledged to allow citizens to participate freely in the life of the country’s political process under the norms of ‘national unity, peace and stability of the country as well as the region.’ But the May 30 attack on Daw Aung San Suu Kyi and peacefully rallied people sent a stronger message - no dissent is tolerated. When her party’s members complained for this event, they were also intimidated and imprisoned. No one can complain to the local courts about this attack, and there is no option for legal suit against political crimes in the domestic judicial system. Since appropriate legal enforcement measures to prevent misuse of power by the State cannot work under current military rules and security acts, State protection mechanisms have not materialized in Burma. Military personnel and intelligence officers can arbitrarily arrest anyone they believe is a threat to national security without a warrant. Such a situation provokes the desperation and intolerance of people due to their sense of insecurity. At the moment, situation in Burma seems to be cool, but the situation can overheat at anytime. At an opening keynote for NGO Forum on Women in 1995, Daw Aung San Suu Kyi said:

Often the other side of the coin of intolerance is insecurity. Insecure people tend to be intolerant, and their intolerance unleashes forces that threaten the security of others. And where there is no security there can be no lasting peace.

II. Unconstructive SPDC’s Stance on Regional Cooperation

7. Nationalism and chauvinism prevail in the present ruling government, not only toward the many ethnic nationalities of Burma, but also to other countries in the region. Often, while there were border tensions with the neighboring countries, especially with Thailand and Bangladesh, the regime discourse the nationalism and agitate people for anti-Thai or anti-Muslim sentiments. In example, when there is a military tension at the Thai-Burma border two years ago, the regime ordered local people to raise the national flag in front of the residents and issued a new textbook for high school students designed to intensify anti-Thai sentiments and Burmese nationalism.

8. The Burma’s regime also constitutes a “threat” to regional security due to a lack of state institution or state mechanism to control the various armies existing in Burma such as the United Wa State Army (UWSA), Kachin Independent Army (KIA) and New Mon State Party’s army. Since 1988, the military regime has claimed to be an interim government, thus both removing themselves from responsibility of solving the country’s long-term problems, and allowing themselves to stay in power indefinitely. To ensure their claim, they continue creating conflict and instability in the country, thus rationalizing their continued martial rule. A major outcome of this policy is the build-up of armies along Burma’s borders. With the many cease-fire agreements that the SPDC has entered into and now profits from

* “Turning of a New Page,” Myanmar Information Sheet, No. C-2200 (I/L), 6 May 2002
financially, it is unlikely that any neighboring state would be able to effectively control these armed
groups at its borders.

9. Since February 2001, the regime planned to build a nuclear reactor with support of a Russia
company. Regarding the project, the international and regional governments and institutions including
the International Atomic Energy Agency (IAEA) expressed their concerns on the project due to the
lack of minimum safety standard. However, the regime failed to respond the international concerns
and proceeds with the project without necessary attention to safety. So, the regime’s absence to
respect the international concerns on the regional security obviously shows their unconstructive
approach towards the regional cooperation and international peace.

10. In 1997, Burma became a member state of the Association of Southeast Asian Nations (ASEAN).
Being a member, the ruling military government obtained some regional recognition and political
supports for its questionable legitimacy. In turn, however, the problems in Burma became ASEAN’s
problems. They pose a major challenge to ASEAN to review its policies and the standing of Burma as
a member state, since the political crimes and human rights abuses in Burma are of international
concern. ASEAN countries have expressed a desire for the easing of political tension in Burma as a
first step towards a democratic country. The political instability in Burma negatively affects its economic
cooperation with regional blocs and development programs in the region.

11. A meeting between ASEAN governments and their dialogue and consultative partners on regional
security underlined the importance of ASEAN as a regional grouping in securing stability and prosperity
in the Asia-Pacific region. One of the stated aims of the first meeting of the ASEAN Regional Forum
(ARF) in 1994 was “the enhancement of political and security cooperation within the region as a
means of ensuring a lasting peace, stability and prosperity for the region and its people.” To meet
this goal, all member states must address more comprehensively for the regional security.

12. Currently, Burma’s regime interprets its membership in ASEAN not as a responsibility, but as a
privilege. It uses ASEAN as a shield to cover up its crimes and as a tool to access the international
community, for example to criticize the E.U. and U.S. for its sanctions on the country. Although
ASEAN countries have urged the regime to make progress on political development and national
reconciliation the regime only tries to deceive them diplomatic offensives.

13. A slogan of the regime announced daily by the government-run media:

   Oppose those relying on external elements, acting as stooges, holding negative views;
   Oppose those trying to jeopardize stability of the State and Progress of the nation;
   Oppose foreign nations internal affairs of the State; (and)
   Crush all internal and external destructive elements as the common enemy.

The regime also says that human rights are an internal affair. It describes concerned state parties as
“destructive elements.” This is a clear example of its refusal to engage in international cooperation.
It is obvious that regime’s hostile attitude propagates violence and militarism as the means to solve
all problems including the international disputes. Currently, due to Burma’s economy collapses and the country becomes unstable, the neighboring countries especially Thailand is suffering the consequences. Issues of economic migrants, refugees, illicit drug, HIV infection and environment of Burma impact towards the neighboring countries. Rather than cooperating with other countries to solve its problems, the regime accuses them of being external elements or stooges determined to upset stability. With this approach toward regional and international cooperation - a refusal to admit that the root cause of its problems is its own illegitimate rule and the absence of real democratic politics in the country - regional tensions will only intensify.

14. The tensions in Burma have negative repercussions for the region, with waves of economic and political migration causing social and security problems to its neighboring countries. It is time for ASEAN and United Nations, and especially the ASEAN Regional Forum, which is designed to deal with security issues, to do an appropriate measurement and to pressure the Burma’s regime to recognize that the international distress of one country is concern of all.

III. Militarization of Burma and Regional Instability: A Military Build-up Bursting at Its Seams

15. Not having external enemies or ongoing military tensions with neighboring countries, the Burma’s army is the second largest military force in Southeast Asia after Vietnam’s. The army has more than doubled in size since 1988 and now numbers over 470,000 soldiers. There are an additional 85,000 personnel in police or militia units. Burma’s defense expenditure amounts to around 14 % of GNP and the defense sector accounts for over 40 % of public sector spending. Under the guise of the army’s modernization, Burma purchases and maintains a large volume and wide range of arms, including naval patrol boats, fighter jets, armored personnel carriers, helicopters, field and anti-aircraft artillery, small arms and ammunition, as well as communications, electronic warfare, signals intelligence and other technical systems. The Economic Report of the Federation of Trade Union - Burma issued at June 2000, stated;

The per capita defense expenditures of Burma are higher than those of Vietnam and Thailand. Burma has increased its per capita defense expenditure about U.S. $ 30 to U.S.$ 50, whereas Vietnam has reduced it from U.S.$ 53 to U.S.$ 12. Thailand’s defense expenditure declined to 2.5% of GDP whereas Burma’s increased to 5.35% of GDP in 1994/95. Every U.S.$ expended on Burma’s military expansion brings untold misery and hardships not only to the present generation but also extinguishes the confidence competence of future generations who will have to live and coexist with its neighbors, some threatening and some friendly. The defense force’s manpower strength has increased continuously from a figure of 132,000 in 1964, to 170,000 in 1987, to 320,000 in 1996 and to 470,667 (0.96 of total population) in the year 2000.¹⁰

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16. Army expansion is far from appropriate with the present social turmoil and economic situation, as well as in the absence of actual military threats. Burma’s military expenditure is the largest, by far, of ASEAN countries.

17. With the high military expenditure and a narrow focus on military affairs, the regime rules the country as a military state and rejects independent civil administration. A December 2000 report of the International Crisis Group (ICG) entitled, “Burma/Myanmar: How Strong is the Military Regime” described it as follows:

The power base of the regime is built entirely upon the Tatmadaw\(^\text{11}\) (army). The large-scale expansion, modernization and diversification in the capabilities of the armed forces since 1988 have provided the coercive underpinnings for its monopoly of the state apparatus and its intended dominance into the future. This enlarged and modernized Burmese military establishment, enhanced by expansion of command and control capacities and its intelligence apparatus, has enabled the regime to establish an unprecedented level of military control over the country. And the dominant component of the Tatmadaw’s (army’s) military doctrine and strategy has been the suppression of anti-government dissent in general and internal insurgency in its border regions.

18. The army’s influence and intervention on various levels of state administrations dictates the state structure, state’s governing bodies, and the application of laws. Only military personnel are appointed to high levels of civil administration and civilian bodies, while the role of civilian professionals is minimized. The military ideology that strengthens the role of army is promoted in every civil administration.

19. The army’s political sentiments and ideas are strongly imposed on the whole education system including the curriculum drafting process, teaching methods, academia and education structures.

\(^{11}\) The junta uses this Burmese word ‘Tatmadaw’ instead of army by the intention to attract people’s respect toward them as the Burmese word can convey the good image.
The military institutions and universities have been established and are rich in resources and infrastructure, while the civilian universities and schools face insufficient state assistance and poor conditions. The curriculum in various levels of education emphasizes military might and ethnic prejudice instead of inspiring students towards a peaceful, multi-ethnic nation. The military government’s political goals and policies are the reason behind every curriculum change or amendment, because the regime regards education as a tool to strengthen its military rule and power. “Since the military regime tries to impose its monolithic ideology to enforce military rule, they do not accept any democratic values and standards presented by the academic society. The regime realizes that a strong academic community can create a strong civil society.”

Military-controlled conglomerates such as the Union of Myanmar Economic Holdings Limited and the Myanmar Economic Corporation play critical roles in the economy of the country. Only private entrepreneurs and businesses that are closely related with the military officials freely are permitted business opportunities. Though the military government discarded the socialist economy and implemented a market-oriented economic system, only the military circle has benefited from the system. Ordinary people suffer from poverty, inflation, high-commodity prices and unemployment. The FTUB’s 2000 economic report pointed out:

In 1995/96, the UMEH’s total investment was U.S.$ 58.78 million and Kt 44.5 million and the profit was U.S.$ 9.6 million and Kt 7.2 million. The company for travel and tours began the first helicopter passenger service in Burma. Its affiliated companies manufacture various types of garment and exported to U.S.A, Canada and Europe. In 1995/96 it received U.S.$ 2.8 million from cut/make/pack/- CMP of garments alone. It has also set up joint venture to produce Rothmans cigarettes and Tiger, Anchor and ABC Stout beers. It has about eight on-going projects and has signed Memorandum of Understanding (MoU) with thirty companies. UMEH has engaged in small industries so far under various joint ventures arrangements. It is planned that it will build medium industries and later heavy industries like cement, GI-sheets, fertilizer plants, iron and steel mills, rock crushing machines, car industry and packing industry, thereby to become the main logistics and support organization for the Burmese military in the future.

Figure: Burma: Investment by Ownership 2001/02 (Source: FTUB)

12 2002 Education Report of the All Burma Federation of Student Unions (Foreign Affairs Committee)
21. The military exploits the business opportunities of its market economy. All private enterprises must deal with local military commanders and officials. Corruptions of military officials and army dominance of the economic sector are widespread.

22. Civilian forces such as police, fire brigade forces, and Red Cross members are trained as the underpinnings of the army. The SPDC set up the Union Solidarity and Development Association (USDA) on the premise of organizing social activities of the country. However, the USDA has been used to stage rallies that serve military prescribed activities, such as massive demonstrations to support regime-initiated National Conventions, to condemn the democratic movements, and to empower the military rule. Students, teachers and government staffs are forced to be the memberships of the association and participated in its activities. The USDA is said to have more than 16 million members and seems to have been modeled on Golkar, the Suharto-supportive “functional group” in Indonesia. Like Golkar, the USDA has the makings of a military-dominated political base should the country return to the elective process. The USDA is becoming a military-created mass-mobilization organization founded to support the military and its programs. In fact, the USDA is suspected of carrying out the May 30, 2003 assassination attempt on Daw Aung San Suu Kyi. According to the witness, the local military commander and police were behind the scene of this event. In sum, the USDA is under military command and has Senior General Than Shwe, SPDC Chairman, as its patron, so it seems evident that any demonstrations and incidents involving the USDA must, minimally, have had official military authorization and more likely military incitement. Thus, while civil society in Burma is not allowed to function freely by the current regime, supposed civilian bodies are active under the control of army and are used as military apparatus.

IV. Genocidal Policies and Practices of the Military Regime

23. Article 6 of the Rome Statute of the International Criminal Court defines genocide as follows:

“genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the groups; (e) Forcibly transferring children of the group to another group.”

Items (a), (b) and (c) of the definition are relevant to the situation unfolding in Burma.

24. Three kinds of genocide are being committed by Burma’s ruling military regime: National (political), Religious, and Ethnic.

25. With the takeover of the country on March 2, 1962 by the military regime led by Gen Ne Win, conflict between the military and civilians intensified and the military’s distinct acts of discrimination toward the civilian population began to emerge. On July 7, three months after the coup, a demonstration against the military regime by University students took place in the Rangoon University Compound. The army fired into the crowd of students killing more than 100 and injuring hundreds.
more. With intent to eliminate the political culture of university students, the generals blew up the historic Student Union building immediately after the crackdown.

26. On March 16, 1988, three days after two students were killed during a student demonstration at the Rangoon Institute of Technology, many university students tried to gather at Rangoon University near a famous lake. The BSPP regime again cracked down on the march not by shooting but by sending soldiers with orders to beat up the students especially aiming at the heads. Two days later, a number of people, annoyed by such abuses by the regime, gathered randomly in downtown Rangoon. The regime again cracked down on the crowd, seizing everyone, putting them in covered prison-trucks and sending them to jail. At least 43 of the victims died of suffocation on the way. The most well known illustration came on August 8 that year when the military reacted violently to the mass demonstration of thousands of civilians calling for democracy. Using guns against unarmed protesters, the military killed at least a thousand.

27. The military responds to opposition by arresting political leaders, monks, student leaders, journalists, artists, former politicians and people actively involved in politics; they often face long prison sentences and hard labor. More than 3,000 democracy advocates were arrested countrywide in 1989. The military also deregistered political parties. All in all, the military systematically and intentionally destroyed other political groups and eliminated oppositions.

28. The grave events of May 30, 2003, discussed earlier in this report, clearly show intent to destroy the members of a group that does not support the ruling regime. While Daw Aung San Suu Kyi was undertaking an organizing trip to Upper Burma, the NLD convoy and its supporters were systematically and violently attacked by a regime-backed group. The attackers comprised about 500 armed soldiers, regime-backed USDA members and an unknown number of convicts recruited from prisons. The attackers beat up NLD members and supporters with iron bars, wood and bamboo batons, dragged the wounded bodies across the ground, and tore up wounded women’s blouses. Soldiers also opened fire killing and wounding a number of people. The attackers were well prepared and trained for this event. Soldiers were waiting to shoot in bushes nearby. They had prepared two places for the crackdown, one a decoy area and another the killing zone. It is clear that the operation was prearranged like a battle plan with the intention to assassinate Daw Aung San Suu Kyi and NLD leaders.

29. The military camp and democratic camp then separated into two distinct groups in Burma. While the democratic camp has been nearly paralyzed by the military group, the military camp has been empowered by successive military governments. The military regime tried to annihilate the democratic camps by intentionally destroying the lives of the democratic camp’s members. In reality that meant one group intentionally and systematically destroys other group by killing members of the group, causing serious bodily or mental harm to members of the other group, on a wide scale.

30. The successive leaders of the Burmese military regime have shown that they trust deeply in their religious beliefs. They express their faith in daily newspapers, broadcast radio and television. They build new pagodas and make frequent donations to renowned Buddhist monks. However, in many
cases, the military has torn down Christian churches and Muslim mosques. In Chin and Karen State, most people belong to the Christian religion. The army destroys churches and monasteries in those places or nearby. It also forces non-Buddhists to convert their religion to Buddhism, the official state religion.

31. Beyond imposing their own religion on citizens of other faiths, the regime also uses religious differences to divide the people and make it easier for them to rule. In response to many social, political and economic problems facing the country, the regime addresses the problem by cunningly creating religious conflict between Buddhists and Muslims. In some areas, it has created mob riots between Muslim and Buddhist communities resulting in the destruction of mosques. The military itself engages in genocidal behavior, and they provoke civilians to genocidal acts upon each other.

32. Monks and religious leaders who get involved in politics are forcibly disrobed when they are imprisoned. Some jailed monks have already died in custody due to torture, beatings and being kept in solitary confinement. This reflects the lack of freedom of religion in Burma. Even if the religion is the same, the regime rejects all beliefs that do not mirror their own.

33. In the war against the ethnic resistance, the military regime laid down the ‘Four-Cut Policy’ in mid 1960s. It calls for cutting of the resistance forces from food supply, information, revenue and contact with the people. In the implementation of this policy, the Burma army troops have ever since been destroying the harvests, burning down the villages and relocating the villagers forcibly, arresting, torturing and killing the innocent civilians, using the villagers for portage and as mine sweepers in front line areas, forcing the villagers to work on military owned plantations and rice fields, and looting and killing the livestock for food. In addition, women are subjected to rape and forced marriages. These intentional destructions of the ethnic people and their way of life are happening in the Arakanese, Chin, Kachin, Karen, Karenni, Mon, and Shan ethnic nationalities areas. As a result of these atrocities, a large number of ethnic people have to flee to neighboring countries for refuge.

34. A significant number of cases of rape in Shan areas were reported in “License to Rape” by the Shan Women’s Action Network. In many cases, victims could identify the name or rank of the perpetrators, or their unit numbers.

35. The use of force against unarmed civilians, waging of a civil war on ethnic people and people of different political beliefs, the systematic practice of raping ethnic girls and women, and the forcible recruitment of soldiers, including child soldiers, are all elements of the military’s campaign against its own people who are of different religion, ethnicity, and/or ideology.

36. In Burma, the number of political prisoners in the prisons has exceeded one thousand every year since the military took over the power in 1988. More 80 political prisoners have already died in custody. Over tens of thousand rapes have been committed without subsequent legal actions by members of the military group during over 50 years civil war. The number of people who have been killed by military group for belonging to opposition groups, expressing their beliefs and struggling to achieve their rights, have been anonymous until now. The number of refugees, disappearances,
internally displaced persons, people disabled as a result of the war, and migrant workers have been continually increasing. A large number of people have no food security.

37. It is evident that the actions of the military group against other groups constitute genocide, and that the international community needs to recognize this. The genocidal actions and practices of Burma army are deeply concerning, and they are not compatible with the international laws, the promotion and protection of human dignity and international peace and security.

V. Arrest, Arbitrary Detention, and Disappearance

38. Even though the laws prohibit the arbitrary or unlawful detention, it is a long-time practice of military intelligence personnel in the country. Section 61 of Burma's Criminal Code specifies: "No police officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the police station, and from there to the Magistrate's Court."

39. In no case, whether political or criminal, are these laws practiced. Military intelligence personnel have power over political cases and police officers do not have any power to handle these cases. Once a political activist is detained in a police station, no one including family members is allowed to meet him/her. It clearly states in the police station notice board that no one is allowed to see those politically detained persons.

40. Military intelligence personnel are at the forefront of any arrest politically. They knock the doors at the middle of the nights, look for the whole house for any evidence they assume to be destructive to the state and that they can use to accuse the persons, and frighten family members and neighbors, including children with violent words and actions. Former and current political prisoners exactly can provide evidence of those occurrences by persons in front of a United Nations sponsored international committee.

41. When a case is submitted to a court, military courts in most cases presided over by military officers, the detainee is never permitted to hire a lawyer and defend his/her case under current laws. The verdict comes sealed in an envelope from military intelligence personnel and the judge needs only to read it out. No complaints, defense, or appeals are heard.

42. During 2002, 15 political prisoners disappeared from various prisons in Burma. There was a high possibility that the Burmese army killed all 15.13 As it remains extremely difficult to collect information from prisons inside Burma, there is no way of knowing how many cases of disappearance of not only political prisoners but also other prisoners have occurred in the past 15 years. Only a United Nations-sponsored, independent body would be able to investigate those incidents.

13 Press Release, Assistance Association for Political Prisoners (AAPP), 27 January 2003
VI. Torture and Extrajudicial Killings

43. “I was forced to continuously squat and stand with my arms raised in the air.... The pain of standing was intense, and whenever I had to stop because of the pain someone would hit me with a cane stick across my hips and on my nipples.... ‘If you don’t tell us the truth,’ they mocked, ‘we will remove your sarong.’ Suddenly someone kicked me in the back with heavy military boots and I fell down on to the concrete floor. Although I was nearly unconscious, they ordered me to stand up. I tried to stand but I was very weak and someone kicked me again and I fell to the floor. After this happened three times I couldn’t move anymore. I didn’t even know if my sarong was still properly fastened.”

44. Like the above-mentioned account, there are a number of accounts that make up the entire picture of torture and ill treatment in detention centers and prisons by military intelligence personnel. Following is an excerpt from Mr. Paulo Sergio Pinheiro’s report to the U.N. General Assembly:

To cite one example, a 50-year-old Kayin man from Kawkareik Township in Kayin State said that four Kayin villagers had been accused of being Karen National Union soldiers. All the villagers had been called to see how the four men had been tied up and tortured (hit on their heads, even when they were bleeding; suffocated with a plastic sheet) at a place outside the village. The man said that the villagers had come because the Tatmadaw soldiers had told them to come. After seven days of such treatment, the four men had been taken to the military camp and never seen again. The man thought they had been executed. He said that they were only simple villagers. The incident reportedly took place in May 2002 [case 108].

45. People across Burma are familiar with such stories. Everyone has concrete knowledge of how they might suffer after being arrested by military intelligence personnel for participating in the democracy movement. The military successfully has created an environment of fear among the people. This is inhumane and a violation of Charter of the United Nations and Universal Declaration of Human Rights.

VII. Political Prisoners and Former Political Prisoners

46. Daw Aung San Suu Kyi was rearrested just over one year after her release from her second house arrest on May 30, 2003, now famous by the name “Black Friday.” Just weeks earlier, the SPDC claimed the date - May 6, 2002 - as the “Turning of a New Page.” They stated that they had released nearly 600 detainees in recent months.

47. Between May 6, 2002 and the date of this report, an estimated 160 political prisoners only were released and 200 and more people were arrested with political motivation. All the arrests were because of participation in the country’s political process. This is the normal practice of military

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14 “At the Mercy of the Beast” by Ma Su Su Mon; ‘Tortured Voices’, A Publication of All Burma Students Democratic Front, July 1998
16 Source: Assistance Association for Political Prisoners (AAPP)
regime: promising and destroying its promise, pledging and ignoring its pledge. The Special Rapporteur’s estimate of remaining political prisoners was between 1,200 and 1,300.  

48. International Committee of the Red Cross (ICRC) is the only international body that has been permitted to visit prisons and prisoners. ICRC operates on an agreement not to make public any information it gets from its visits.

49. “Former political prisoners and their families are often kept under close surveillance by Military Intelligence personnel, which is a form of intimidation and harassment. Article 12 of the Universal Declaration of Human Rights (UDHR) states inter alia: ‘No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence,’ In addition some former political prisoners have not been permitted to obtain a passport and travel abroad. Part 2 of Article 13 of the UDHR says: ‘Everyone has the right to leave any country, including his own, and to return to his country.’” These findings of Mr. Pinheiro, Special Rapporteur on Myanmar, are totally true and firm. It is undeniable that a number of former political prisoners fled from the country to avoid further arrest of military regime. It is sad but unavoidable to say that they cannot live and cultivate their family lives peacefully in line with their human rights.

VIII. Forced Labor and Forced Relocation

50. Burma, under its current military rule, is the most notorious country in the world for its practice of forced labor. It stands out as an inhumane and ferocious practice in today’s civilized world. Since the beginning of military rule in 1962, forced labor and forced relocation have been a normal practice of the army and other authorities.

51. The Tatmadaw, Burma army, is the main force demanding forced labor. The following points of Mr Pinheiro approved this view.

48. …..People were told by the Tatmadaw units that they had to move to another village within a few days. Often they were threatened that they would be shot if they refused to leave. The deserted villages were mostly burned down. Villagers who were discovered hiding in the jungle after a relocation order had their possessions destroyed, including all their food, to deny them the possibility to survive there.  

52. Almost all of the interviewed persons had had to do forced labour for the Tatmadaw in 2002. …..Forced labour demands had been especially high in villages near the Tatmadaw bases, in relocation sites and in villages located near a road.

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52. Following are excerpts from “Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization”:

303. Prisoners were also regularly sent from prisons and labor camps across the country to be used by the army in major offensives. They continued to wear prison uniforms and were usually kept separate from the other porters. In certain cases, prisoners were forced to continue working in such conditions beyond their normal release date.

317. Female porters were sometimes raped or otherwise sexually abused by soldiers. Porters who walked too slowly were regularly beaten with sticks, punched, kicked, hit with rifle butts or prodded with bayonets. Porters who were persistently slow, or who were unable to carry their loads because of exhaustion, sickness or injury were often severely beaten and forced to continue, or if this was not possible they were abandoned or killed. The killing of porters who could not continue appeared to be more common in potential conflict areas. In such areas, porters were usually not shot, but were beaten to death, had their throats cut, were thrown from the sides of mountains, were thrown into rivers with their hands tied behind their backs, or were burned alive. Porters who were able to carry their loads at the required pace, who did not slip or fall and who were otherwise obedient were generally not beaten.

335. Portering is clearly a common form of forced labour, experienced by most of the witnesses who provided testimony to the Commission. It is also the most arduous and the most degrading. Several witnesses made the point that portering is a further task added to the other forms of labour or services already imposed by the military; consequently, very little time is left to the workers to provide for their own personal and economic needs.

351. The Commission received detailed information on various aspects of forced labour related to military camps. The information indicated that when a new military camp was established, the land would often be confiscated from local villages. No compensation would be paid.

355. The use of forced labour for the construction, repair and servicing of military installations in the eastern parts of Myanmar was very common, particularly in those areas near the eastern border with Thailand. This region, covering Shan, Kayah, Kayin and Mon States and Bago and Tanintharyi Divisions.

375. Civilians, including women and children, were also used as human shields and minesweepers. While this often occurred in the context of portering, as discussed in paragraphs 300 and 319 above, civilians were also used for this work in contexts other than portering. In potential conflict areas civilians, including women and
children, were often forced to sweep roads with tree branches or brooms to detect or detonate mines. It was suggested by certain sources that this was because the military hoped that if insurgents knew this, they would be less likely to plant mines. If villagers did find mines, the village would often face retaliation.

53. In his recent report, Mr. Pinheiro also mentioned the situation of forced labor and forced relocation. He said, “The forced relocations documented mainly took place in the south-east of Shan State (by the Tatmadaw and the United Wa State Army (UWSA)) and in Kayin State (by the Tatmadaw, and in some cases by the Democratic Karen Buddhist Army (DKBA), a break-away group from KNU).” Those are just a few among hundreds of thousands of occurrences. If the international community lets forced labor and forced relocation go on and does not succeed in eliminating them, it could become a shame for all humankind.

54. Indeed, the phenomenon has caught the attention of the international community, regional countries and United Nations. The International Labour Organization has made successive and tireless investigations of these cases, and a few years ago Former Secretary-1 of the SPDC signed an order prohibiting the use of forced labor and declared that action would be taken against any and individual or group that violated the order. This order was posted to the all states for publication in the regions under their control right down to the village level. However, the practice did not abate. Many prisoners were used in forced labor, including portering.

55. The ILO at last got agreement from SPDC to appoint a liaison officer in Rangoon one year ago. In March 2003, the liaison officer reported to the ILO that no progress had been made in developing an adequate plan to stop forced labor and that the practice persists.

56. In action, there has been utter lack of cooperation from the regime and the ILO’s efforts have born little fruit in the lives of the people at the village level. The past severe incidents beg sterner international action to counteract the practices of forced labor and forced relocation in Burma. This is the duty of a civilized society. It is clear that the ILO alone could not entirely abolish forced labor in Burma. It needs the intense action of the international community to bring to an end this inhumane and uncivilized practice against humankind.

IX. The Rights of the Child

57. Burma is one of the state parties that ratified the Convention on the Rights of the Child (CRC) in 1991. After three years in 1993, it enacted the “Child Law,” which was never publicized broadly nor were the relevant government officials educated about the law. Burmese law defined “child” as “a person who has not attained the age of 16 years.” It contradicts the CRC’s definition of the child as

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23 THE CHILD LAW, The State Law and Order Restoration Council Law No. 9/93; 14 July, 1993
58. As an example, here we take one of the articles of CRC. In the Article 31 of the CRC states that:

1. State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. State Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

59. The Burmese military regime has never recognized, respected, and promoted these rights. If any individual or organization plans any of the activities mentioned in the above article, they must get permission in advance from the respective authority. Anybody who fails to do so could face arbitrary detention and interrogation by military intelligence personnel. The process to get permission is quite bureaucratic and full of red tape. Firstly, the organizer must submit the application letter to the respective authority. If the organizer does not give bribe to the authority, the duration of processing the application takes weeks and even months. Once the organizer gets the permission s/he then could prepare the activity. Secondly, after complete preparation of the activity, the organizer has to inform to the authority again and request to inspect. The authority eventually comes and inspects the preparation and orders the organizer to omit anything they do not like. This could mean the cancellation of the activity, at worst.

60. The cultural or artistic activities of various ethnic children have never been performed under the name of their own identities. The authorities hold such activities just to show the international community that they recognize the culture of diverse ethnic groups.

61. The true reason the military regime enacted the Child Law is that it needs the legitimate recognition of international community. For this reason, it often tries to assure the international community that it follows international conventions and charters by enacting the respective laws. Then it reacts with indignation when the international community notices and criticizes the poor performance in its promised obligations.

62. Even though it guarantees the freedom of speech of the child, Chan Thar Kyaw, aged 15, a high school student from Monywa, upper Burma, was arrested and imprisoned because of participation in a political movement against the attack on Daw Aung San Suu Kyi and her supporters on May 30, 2003. Two other students along with him could not be identified, but local residents said that each is under 16 year old.

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26 ‘Burma’s Child in Education’, A report to CRC by the Foreign Affairs Committee of the All Burma Federation of Student Unions, August 2003
28
Paragraph 20(a) of the regime’s Child Law ensures the right to education of the child. It said that:

Every child shall -

(i) have opportunities of acquiring education;

(ii) have the right to acquire free basic education (primary level) at schools opened by the State.

But the deteriorating economy of the country, frequent and extended school closures whenever politically motivated movements occur, and other factors largely effect the education of the child. The regime has never worked enough to fully accomplish the right to education of the child. According to the Child Law, at schools opened by the State have to offer free basic education in primary level. In reality, parents have to spend a high amount of various fees for their children to enroll in those schools.

Various reports unveiled Burma’s problem of child soldiers and the regime’s failure to abide by the international conventions it ratified.

“Burma is the world’s largest single user of child soldiers, most of whom are forcibly recruited from rural villages. Although some insurgent groups also use child soldiers, the Burmese army is the principal offender. Rangoon came under criticism recently after U.N.ICEF released a report estimating that as many as 70,000 child soldiers are in the national army. …… Although Burma ratified the U.N. Convention on the Rights of the Child in 1991, the military continues to ignore its provisions, including those prohibiting the use of child soldiers.”

The situation of the child in Burma is in turmoil. Only through democratic governance and rulers who have the will to act in the people’s best interest, could it be solved.

X. Women’s Rights and Realities

‘In my country at present, women have no participation in the higher levels of government and none whatsoever in the judiciary.’

Aung San Suu Kyi

The NGO Forums on Women held in Beijing, China on August 31, 1995 was the first of its kind in the world. The Burmese military regime was the only government to send an all-male delegation to that forum. Its power structure is an exclusively male dominant one, as sharply pointed out by Aung San Suu Kyi. A recent report of the Task Force sponsored by the U.S. Council on Foreign Relations reflected this view:

“Although women historically played an important informal role in Burma’s economy, today they are virtually invisible in major corporate enterprises, diplomacy, and politics
(with the notable exception of Aung San Suu Kyi). Women are effectively absent in the higher military ranks, which precludes them from the economic benefits and privileges enjoyed by the armed forces. The handful of women in leadership positions in the military are most often wives, daughters, or other relatives of military men.”

67. Burma’s successive rulers have never raised the issue of women’s rights other than stating that “women in Burma have traditionally played a role in society that was equal to men’s.” But today’s world allows for and demands more distinguished roles of women not only in national societies but also in world bodies like the United Nations.

68. On July 3, 1996, the SLORC formed the Myanmar National Committee for Women’s Affairs. Next, on October 7, 1996, it established the Myanmar National Working Committee for Women’s Affairs. Thus prepared, on July 22, 1997, Burma ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). Five years later the SPDC submitted its first obligatory report to the 22nd session of the CEDAW Committee. The Committee noted upon reviewing the report “the absence of an enabling environment for women in the country. As long as there was neither a democratic constitution nor a strong civil society in place, all actions would be regarded as token, never as substantive.”

69. The international community is aware that the military regime has not complied with the treaty requirements of CEDAW. CEDAW stipulates that women “are not to be discriminated against in any form of state action that dilutes equality or their access to power.” All kinds of women’s rights are violated in Burma, in particular concerning politics, education, trafficking, and prostitution.

70. The military has shown discrimination towards women in politics even in its treatment of Daw Aung San Suu Kyi, the country’s most prominent woman. In 1990, the regime rejected her application to participate in the multi-party general election for the reason of her marriage to a non-Burmese man. Article 9 of CEDAW states that “States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.”

71. Numerous female pro-democracy activists have been detained, tortured and killed because of their peaceful resistance to the regime, and they were abused in ways that reflect the regime’s disparaging attitude towards women. In the events of May 30 the regime especially targeted women activists. The eyewitnesses’ affidavit given in Thailand before the Ad hoc Commission on Depayin Massacre exposed some points of this argument.

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31 Women’s Anti-Discrimination Committee - 2 - Press Release WOM/1166 457th Meeting (PM) 26 January 2000
“They pulled us down from the car and pulled off by force our ‘Pinni’ blouses, which were part of the NLD uniforms, shouting, “These women are hankering after only Pinni blouses.” I hurriedly pulled up my sarong. One of them tried to pull off my sarong, which was soaked in the blood of the others. Because of the sticky blood he could not pull off my sarong. I had to tuck the upper end of my sarong under my arms and pressed tightly down with my arms. One of them beat me up with a short bamboo stick and then dragged me along by the hair and bashed my head against the face of the road. Then I was stabbed with a pointed bamboo staff. Luckily, my face and my eyes were not hurt.”

“They also beat up women in the third car (Toyota Hilux, green color), after pulling off their blouses and sarongs. When the victims covered in blood fell to the ground, I saw the attackers jumped on to them and wrapped the hair around their hands and pounded the heads against stone surface of the road, with all the force. I saw them behaving most inhumanly. I saw with my own eyes, earrings being forcibly taken from a woman who had fallen to the ground (Thanda Soe, second year student). The attackers uttered such base and sordid words like ‘You woman, wanting to be Kalas’ wives, go ahead die! Before Kala, we will make you our wives. We have to build roads, repair bridges and you want to be wives to Kala - die, die!’ and went on brutally beating and attacking until the victims were dead.”

72. Article 10(a) of CEDAW ensures the right to “The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training.”

73. The military regime’s initial report to CEDAW in 2000 claimed that “there is no sex discrimination in the Myanmar education system, and the academic ability of the students is the only factor that limits boys and girls in their studies.” This is patently false. In fact, when a school has to choose between a man and a woman of equal qualifications, it chooses the man. And in certain fields, women are rarely admitted for study because they are not deemed appropriate subjects for women to pursue. The following table prepared by the Foreign Affairs Committee of All Burma Federation of Student Unions makes readily apparent discriminatory admissions practices.

33 “Affidavit of Daw Nyunt Nyunt on Depayin Massacre (Burma) before the Ad hoc Commission
34 “Kala” is a derogatory term for Indians and White people
35 “Affidavit of Wunna Maung on Depayin Massacre (Burma) before the Ad hoc Commission, Legal Issues on Burma Journal, No. 15, August 2003, published by Burma Lawyers’ Council
36 ‘Initial Report of States Parties’, Myanmar, to the 22nd session of CE
### Table 2: Universities' Yearly Acceptance Ratio of Male and Female Students

<table>
<thead>
<tr>
<th>Universities/Institutes</th>
<th>Male Acceptance in Percentage (Yearly)</th>
<th>Female Acceptance in Percentage (Yearly)</th>
<th>Male Student Acceptance in Total (Yearly)</th>
<th>Female Student Acceptance in Total (Yearly)</th>
<th>Total Acceptance in one year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine</td>
<td>60 %</td>
<td>40 %</td>
<td>1,440</td>
<td>960</td>
<td>2,400</td>
</tr>
<tr>
<td>Dental</td>
<td>80 %</td>
<td>20 %</td>
<td>200</td>
<td>50</td>
<td>250</td>
</tr>
<tr>
<td>Live Stock</td>
<td>80 %</td>
<td>20 %</td>
<td>80</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>Agriculture</td>
<td>75 %</td>
<td>25 %</td>
<td>225</td>
<td>75</td>
<td>300</td>
</tr>
<tr>
<td>Forestry</td>
<td>90 %</td>
<td>10 %</td>
<td>45</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>GTC</td>
<td>60 %</td>
<td>40 %</td>
<td>10,800</td>
<td>7,200</td>
<td>18,000</td>
</tr>
<tr>
<td>GCC</td>
<td>50 %</td>
<td>50 %</td>
<td>3,050</td>
<td>3,050</td>
<td>6,100</td>
</tr>
<tr>
<td><strong>Average/Total</strong></td>
<td><strong>58.26 %</strong></td>
<td><strong>41.74 %</strong></td>
<td><strong>15,840</strong></td>
<td><strong>11,360</strong></td>
<td><strong>27,200</strong></td>
</tr>
</tbody>
</table>

GTC - Government Technical College  
GCC - Government Computer College

74. The same report of the regime listed the number of cases of trafficking in women and children at 2,140, which contradicts the estimated number by regional and international non-governmental organizations of as high as 50,000 annually.\(^\text{38}\) Burma has yet to enact any law to effectively prevent trafficking women and children. “The 2002 U.S. State Department report on trafficking in persons classified Burma as a Tier 3 country, which is defined as one that is not making significant efforts to comply with the minimum standards set out in the U.S. Trafficking Victims Protection Act of 2000. Burma has no comprehensive anti-trafficking law, and the laws relating to kidnapping and prostitution are never used against regime officials.”\(^\text{39}\)

75. The report also touched on trafficking in women and prostitution. It claimed that “Myanmar society does not accept immoral ways of earning money. But because of false, seemingly innocent, promises on the part of well-groomed traffickers for better job opportunities in other countries, there are a few cases of trafficking Myanmar women to neighbouring countries.” In reality, many young girls and women from Burma are exploited as sex-workers in Thailand and China - held captive, unpaid and exposed to one of the world's highest rates of HIV/AIDS infection. The number of Burmese women and girls traveling to Thailand through Mae Sai to enter the sex industry is increasing, and 60%

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\(^{38}\) ‘INTERNATIONAL WOMEN’S DAY NO CELEBRATION FOR BURMA’S WOMEN’, IMAGES ASIA, 6 March 2000  
of them are under 18 years of age. Currently, 20,000-30,000 Burmese women are in involved prostitution in Thailand.  

76. To get equal and unhindered rights of women in Burma as men, as opposed to the situation that Daw Aung San Suu Kyi described in her message to the Beijing’s Women Forum, the international community must speed up its support to Burma’s struggle for democracy.

XI. Violence against Women: Soldiers Licensed to Rape

77. In ethnic areas, where the regime’s troops wage war on ethnic groups, women are often targeted for abuse. Female heads of villages are tortured, murdered, or held hostage by the regime’s soldiers. Ethnic minority women who are suspected of membership in underground women’s organizations are raped and tortured in the regime’s effort to suppress such groups. Systematic rape is used in Burma as a way for the regime’s troops to terrorize civilians into complete obedience. Women, including those who are pregnant or nursing mothers, are routinely used for forced labor, carrying supplies for the regime’s troops or building roads, railways, and the regime’s army barracks. They are beaten, gang-raped by the troops and often die as the result of mistreatment, disease and starvation at the work sites.

78. The Special Rapporteur’s recent report uncovered some of the rape cases committed by the regime’s army. “All documented cases of rape had reportedly been committed by the Tatmadaw soldiers. ……Testimonies were received about 16 rape incidents, involving 25 women (19 Shan, 1 Akha, 1 Palaung and 4 Kayin women). Eight of these cases had taken place in 2002. In addition, one Shan girl testified that she had been forced to marry a Tatmadaw soldier. In seven cases (two of which had taken place in 2002), a source of information was a victim herself. In the remaining cases, the information came from friends or relatives. In some cases, people from another village had heard about the rape from the victims. There were eight cases in which a victim had been raped by more than one soldier…… In two separate cases, a young girl had been raped at an army base. In one case, a girl had been taken while she was doing forced labour and, in another, a young girl had been arrested together with 12 other villagers, all men, who had later been killed.”

79. The most successful and first and foremost of all efforts to make the international community known of systematic rape of the regime’s army was “License To Rape” by the Shan Human Rights Foundation and the Shan Women’s Action Network published in May 2002. The report detailed 103 incidents of rape and other forms of sexual violence, involving 625 girls and women, committed by the regime’s army troops in Shan State, mostly between 1996 and 2001.

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40 ‘Influx of Burmese sex workers via Mae Sai on the rise’, Aphaluck Bhatiasevi, Bangkok Post, 2 June 1997
41 Coalition Against Trafficking in Women (CATW), Asia Pacific, Trafficking in Women and Prostitution in the Asia Pacific, http://www.uri.edu/arts/sc/wms/hughes/factbook.htm
80. Those are the crimes against humanity of the regime and bring shame on the entire human society. Women of Burma should be protected from all forms of abuse by the regime and it is the obligation of the whole international community.

XII. Refugees and Migrants: Mass Exodus from an Intolerable Situation

81. Since 1996, the military regime escalated military operations in an effort to eliminate all remaining armed oppositions along the border areas. The flow of refugees into Thailand, India, Bangladesh increased dramatically and continues now. Although the regime entered cease-fire agreements with 17 ethnic armed groups, crimes against humanity and human rights abuses continue unabated and the local people must seek refuge in neighboring countries for fear of persecution. Despite the regime’s claim that border areas are growing in peace and stability because of cease-fire agreements and regional development, the movement of ethnic nationalities to bordering countries tells a different story.

82. The high numbers of people leaving Burma as refugees and migrants results from Burma’s unstable politics and economic disintegration. With political suppression and military operations against the ethnic armed groups, many political activists and their families fled the border area and neighboring countries. The regime’s troops commit various crimes against humanity and human rights on ethnic minorities such as forced relocation, forced labor, torture, killing, rape, looting property, and burning down homes. For their safety and survival, villagers abandon their homes and property. Many fled to neighboring countries and many remain as internally displaced persons (IDPs).

83. People in central Burma are seeking better jobs and salaries, in order to sustain their families’ financial situation. All people in Burma suffer from food insecurity due to the regime’s failure to take responsibility for the social welfare of its civilians.

84. Issues of political suppression and human rights (both the civil and political rights, and economic, social and culture rights) in Burma are urgent. They are pushing Burma’s people to its borders. At that place they are vulnerable to crackdowns and other abuses by the authorities in the host countries.

85. An estimated two million people from Burma now seek shelter in Thailand. The distinction between “refugee” and “migrant” is a blurry one in Thailand; it is further obscured by the relationship between Burma’s economic problems and political repression by the ruling military regime.

86. The Thai government uses the narrowest possible definition of “refugee”\(^4\): a person who was fleeing fighting when he or she left Burma. The Thai government neither accepts new arrivals to the refugee camps nor defines them as refugees. Such people have been repatriated to Burma and then remain internally displaced. The total refugee camp population in Thailand now totals around 143,000.

\(^4\) The U.N. Refugee’s Convention define the refugee as those who is outside of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or those, not having a nationality and being outside the country of his former habitual residence is unwilling to return to it, as a result of owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion
Currently, hundreds of thousands of people have been internally displaced. While displaced, this trapped population is especially subjected to forced labor, torture, killing and rape. Unreachable by international NGOs they are abused by the military troops and face extreme difficulty for survival. The Burmese Border Consortium (BBC) estimates that there are more than 600,000 internally displaced persons across from Thailand’s western border.

Conditions in Thailand’s refugee camps are not good. The food and water supply, health care, education for children and security in these camps are inadequate. The local government often prohibits the access of NGOs, foreign social workers and international journalists to the refugee camps. Periodically, Burma’s army and its allies attack the camps along the Thai-Burma border. Human rights abuses by the local authorities have been reported.

Burmese refugees and migrants have thus become a regional problem. The Universal Declaration of Human Rights, Article 4, Paragraph 1 points out that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” Although Burma’s neighboring countries including Thailand and India did not sign the U.N. refugee convention, they are obligated to accept refugees crossing their borders, as well as to address, as members of the region and the international community, the problems facing Burma’s refugees and migrants. Further, they must not forcibly repatriate people back to Burma, as the UDHR is binding to all state members of the United Nations. Political approaches and political intervention are required to protect the rights of this population. The military rule and political instability in Burma are the direct sources of this problem.

XIII. Inhuman Living Condition: Economic Mismanagement

While Burma is primarily an agricultural economy, it also has substantial mineral, oil, natural gas, fishing, and timber resources. However, mismanagement of government’s administration and corruption in various levels keep Burma as a least development country. In addition, a systematic policy of forced relocation of farmers and indigenous populations has also severely diminished agrarian production. These policies have impoverished the rural population and undermined food security. On the other hand, the lack of modern technology in agriculture and weakness of government assistance to farming impact on the production. The authorities and local military commanders force farmers to plant certain crops at specific times and to sell a significant percentage of them to the state and army with lower-than-market prices. Farmers become frustrated with agrarian production and abandon their lands, then move for better jobs and incomes. Since 1990, many farmers and their families have shifted to urban settings to find work at construction sites and various government projects. Here too, living conditions are poor and the work environment is inadequate. The government does not provide appropriate social welfare and takes no action against abusive employers. Women and children are most severely affected by inhuman living conditions, and at the same time they have to work for their survival. Many children cannot obtain even a primary education.

The United Nations Development Program (U.N.D.P.) ranked Burma 131st out of 151 nations in 2003 on its Human Development Index. The World Bank reports Burma has an average per capita GDP
of approximately $300. The International Monetary Fund (IMF), after consultation with the World Bank and the Asia Development Bank, made a series of recommendations to Burma for economic reforms. They include suggestions for fiscal, monetary, and budgetary reforms; the abolition of dual exchange rates; increasing the independence of the central bank; and structural reform of state enterprises. Implementation of the IMF reform program would over time improve the economic performance of the country and the standard of living of its people. But the regime has taken no action on any of the recommendations.

92. The 2003 report of the U.N. Special Rapporteur states, “The economic and humanitarian situation remains precarious. Massive inflation has pervaded the country as prices for commodities affecting the basic livelihood of people had jumped.” Despite the ruling military government’s promise to people for better living condition and economic development, only the families of high ranked army officers and their supporters can benefit from the present economic plans and its system. Ordinary people face high commodities prices, unemployment, inflation and inadequate social welfare assistance. The regime’s claim for development projects effects only the development of infrastructure, not development of social and living conditions. The self-reliance programs run by the local authorities under the guidance of state’s government can only provoke the difficulties for local people, since people have to regularly pay various taxes and donations to implement the local authorities’ development programs.

93. The current ruling military regime are now asking for international assistance for the humanitarian concern in Burma. However, the regime failed for real change or implementation to eradicate poverty and development for living condition, while they focus only to empower the military institutions. Article 1 Paragraph 1 of the Declaration on the Right to Development said, “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.” Article 3 Paragraph 1 of the same declaration said, “States have the primary responsibility for the creation of national and international conditions favorable to the realization of the right to development.” The primary obligation for the right to development is the ruling government. Yet development for the well being of the people cannot proceed without a democratically elected government in place.

XIV. Illegal Drug Industry: Bane of the international community

94. The illegal drug industry has been developing rapidly in Burma since the army took power in 1988, with opium and methamphetamines as the main products flowing into bordering countries and onto the international market.

95. Most of the opium is cultivated in Wa areas in Shan State, northeastern Burma, where it has been grown for decades. The U.S. supported anti-narcotics programs to destroy the crop until 1988, but the socialist government (1974-1988) used the assistance (aircrafts, helicopters) to suppress the
ethnic rebellion, especially that of the Wa army, which was then under the guidance of Communist Party (CPB) of Burma.

In early 1989, the Wa and other ethnic groups revolted against the CPB and entered into cease-fire agreements with the military regime. While they agreed to halt their war against the Burma’s army, the Wa Army (now the United Wa State Army - UWSA) has been allowed to hold its weapons and pursue their economic interests in the region under the banner of regional development. The UWSA expanded their narcotics operation to include the manufacture and marketing of methamphetamine pills, which quickly found a market in Thailand, and later in western countries.

With support from the regime, 50,000 Wa people and armed forces moved from the northern Shan State to a border area in the Shan State opposite Thailand, creating a major methamphetamine production center. According to various reports, opium production in Burma has declined significantly, but methamphetamine production has increased dramatically. In 2002, Burma exported an estimated 700-million methamphetamine pills, primarily to Thailand and China. Thailand’s authority considers methamphetamine a national security issue, since it directly impacts the well being of Thai youths.

Local sources say that military officers in the region have joined in the illicit drug trading as their personal business. But, the regime closes its eyes on the involvement of local authorities, lower rank military officers and members of cease-fire groups in the narcotic and methamphetamine pill industry.

Illicit drug production is also related to money laundering that feeds into Burma’s feeble economy. Drug lords invest their earnings in the business sector and thus gain considerable influence in Burma’s economy and politics. According to the U.S State Department’s 2003 International Narcotics Control Status Report, “the prominent role of the family of notorious narcotics traffickers (eg. Lo Hsing Han Clan), and the continuance of large-scale narcotics trafficking over years of intrusive military rule have given rise to speculation that some senior military leaders protect or are otherwise involved with narcotics traffickers.” The report of the Independent Task Force sponsored by the U.S. Council on Foreign Relations said in June 2003, “Major drug Kingpins invest openly in the legal economy. Money laundering is believed to be an important source of funds for business development, including joint ventures between the government and business such as the Asia World Company.”

Eliminating the cultivation of poppy and illicit drug production will require international cooperation and assistance including technical and financial supporting. Unfortunately, the present military rule in Burma is a major barrier to implementing anti-narcotic programs and rehabilitation programs for local people. They create problems among ethnic groups by privileging some with economic benefits (such as drug production), which leads some armed groups to operate on their own command, uncontrollable by any state. Implementing anti-narcotics programs demands transparency and political commitment from the national authorities, which will never be the case under a military regime.

See appendix titled ‘Financial Empire in Burma of Steven Lo & Drug Kingpin Lo Hsing Han’
101. U.S. government reports have reiterated the worldwide threat posed by Burma’s drug production. The U.S. General Accounting Office’s paper presented for the Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight, House of Representatives, stated:

“The U.S. international heroin strategy addresses the worldwide threat but focuses on Southeast Asia because this region is the primary source and includes major trafficking routes for heroin imported into the United States. The Strategy places special emphasis on reducing Burmese opium production as a key to decreasing the regional flow of heroin into the United States.”

102. The illicit drug industry in Burma has become a regional problem affecting all countries in the region and all levels of society. Although the regime asks for international aid and cooperation for anti-narcotics programs, it ignores international calls for respect of human rights and political change into a credible civilian government. Rule of law must exist before anti-narcotics programs can be implemented.

XV. HIV Epidemic: Crisis on the Horizon

103. HIV/AIDS epidemic is one of the most serious social crises in Burma, since the rate of HIV infected people in Burma is increasing according to the various sources. Estimated numbers of people with HIV/AIDS in Burma vary. U. N. AIDS estimated 400,000 people were infected by the end of 2001, while a 1999 study by Chris Beyrer, an epidemiologist at the John Hopkins University School of Hygiene and Public Health who worked with the WHO in Burma, suggested that 687,000 Burmese, or nearly 3.5 percent of adults, are HIV positive. Some observers said the numbers of HIV infected people in Burma might be larger than these amounts. However, no one knows how many Burmese are HIV positive since the regime tightly controls information. Before 2000s, the Burma’s regime rejected claims that the HIV situation is the most serious health and social challenge. Later, they recognized the problem when they asked for the international humanitarian assistance to Burma and various international projects on health and education sectors. But, the effective action and serious concern with this crisis is still weak.

104. Many international experts blame Burma’s dire situation on a military government that has allowed the nation’s health care system to decay and that practically ignored AIDS until last year. The World Health Organization ranked Burma 190 out of 191 member countries in 2000, above only Sierra Leone. At U.N. special session on AIDS, Johns Hopkins School of Hygiene and Public Health epidemiologist Chris Beyrer presented at a study concluding that 3.46 percent of adults in Burma are HIV infected, and that the country’s military regime is falsifying statistics to hid the epidemic. It makes Burma’s epidemic the second worst in Southeast Asia, after Cambodia. U.N. Special Rapporteur Pinheiro reported last year to the U.N. that the speed at which HIV/AIDS has spread in Burma is truly alarming, with almost one in every 100 persons in danger. According to the Joint U.N. Program on HIV/AIDS (U.N. AIDS), about half a million people in Burma are living with HIV. According to U.N. AIDS, heterosexuals
account for 57 percent of HIV infections in Burma, followed by illicit drug user at 22 percent. Tainted blood donations account for 4 percent; homosexual transmission for 12 percent; and the cause of the remaining 13.5 percent was unknown.

105. Irrawaddy Magazine reported in its May 2003 issue⁴⁶, “International relief groups have unfortunately received little help from the central government in increasing awareness concerning the prevention and treatment of HIV/AIDS.... Health workers also note the government’s failure in implementing an adequate HIV/AIDS awareness campaign, citing the continued arrest of commercial sex workers for possessing condoms and the censoring of nearly all news regarding the virus in the country’s strictly controlled press.”

106. As Burma’s HIV/AIDS epidemic mounts, researchers at Johns Hopkins University say an adequate response is going to entail not just pumped up resources, but also “political will” on the part of the government. On the other hand, international cooperation and assistance for HIV epidemic problems in Burma need credible government to implement the HIV programs. The report of Independent Task Force sponsored by the Council of Foreign Relation of the United State’s Senate also pointed out, “In 2000, the Centers for Disease Control and Prevention (CDC) offered to help Burma’s Ministry of Health set up an AIDS surveillance system. But the SPDC has not agreed to the CDC standard that AIDS testing be voluntary, the results confidential, and that testing be coupled with counseling and education.”

107. Burma’s regime always claims that the HIV epidemic is imported from foreign countries and the disease is not appropriate with Burma’s culture. Instead of effective programs started by the government itself with the national budget, they wait and ask only for international humanitarian assistance though they reject international criticisms on the political and social functioning of the country. The HIV epidemic problem in Burma cannot be solved only with international assistance, but with the government’s commitment and active participation of civil society. But, the freedom of information and education is still weak in Burma. Civil Society is strictly prohibited and only government controlled NGOs can be active in Burma. The regime’s political will to eradicate HIV epidemic in Burma is questionable.

108. The HIV epidemic in Burma is a regional concern not only as a humanitarian approach but also with the human security perspective. International cooperation to eradicate the HIV infection in Burma should not join only with the assistances, but that the state structure and undemocratic rule in Burma should be dealt with.

⁴⁶ “Edging Towards Disaster” by Tony Broadmoor, Vol. 11 No.4, May 2003, the Irrawaddy.
Conclusion and Recommendations

The world experienced notorious historical events during the 20th century that all began from “a flash of fire and burnt the whole building.” Now the situation in Burma is not just an internal affair but could badly affect the world society if we let it worsen any further without taking urgent, effective, and considerable action.

“Human Rights are integral to the promotion of peace and security,” noted the secretary-general in his Reform Programme of 1997. The military regime’s gross human rights violation is one of the top agendas in all of today regional and global meetings, forums, and conferences. Now it is the time for humankind alike to consider seriously how to prevent more prospective inhumane incidents in Burma.

A series of resolution issued by United Nations General Assembly have fallen on deaf ears. Crimes against human rights such as the May 30 attack on Daw Aung San Suu Kyi and democratic forces continue unabated. For example, at this writing, regional army commanders are pressuring the members of National League for Democracy to quit from the party. They use various ways: persuading the members by offering privileged business opportunities, harassing family members, threatening, and plotting to be able to sue in the names of criminals. It is likely these violations will continue.

Burma currently has no Constitution. Burma is entirely controlled by a handful of military generals. In addition, there are other armed groups, such as the United Wa State Army, that run by its own orders. These apparent situations are successively threatening the regional stability and threaten international peace and security.

To fulfill the “Purposes of the United Nations,” the international community is obliged to take effective collective measures and international cooperation for the prevention and removal of threats to peace and stability. In promoting and encouraging respect for human rights and fundamental freedoms for all, Burma as a member of the international community and the people of Burma deserve to benefit from the pledges of the United Nations.

The Secretary General, Kofi Annan in his recent report to the fifty-eight session of General Assembly on “The human rights situation in Myanmar” A/58/325. Distr: General 28 August 2003 observed that:

12. As a result of the events of 30 May and subsequent developments, the three-year-old home-grown process of national reconciliation, as understood by the United Nations, has come to a complete halt. The longer the detention of Daw Aung San Suu Kyi and other NLD leaders goes on and the longer sustained absence of substantive dialogue continues, the harder it will be to revive the process. Despite this prognosis, the Secretary-General continues to believe that dialogue remains the answer to the challenges confronting Myanmar today and that there is still a small window of opportunity at the present moment to save the process.

15. Unless the parties concerned are able to engage in substantive dialogue, the international community will have to conclude that the home-grown national reconciliation process no longer exists. It would then fall on the General Assembly to
review the situation carefully and to provide, in its resolution, a clearer framework for further action by Member States and the Secretary-General as to how to help promote national reconciliation and democratization in Myanmar.

16. The Secretary-General is very grateful for the support that interested Member States, both inside and outside the region, have provided to him and to his Special Envoy. In particular, he wishes to commend the crucial role that ASEAN has played since its ministerial meeting in Phnom Penh in June. He has also noted the growing interest among certain countries in the region to help facilitate the all-inclusive democratic transition process in Myanmar. The United Nations, ASEAN and the international community at large must join hands in order to facilitate the democratic transition in Myanmar in time for 2006, when the country assumes the ASEAN chairmanship. For his part, the Secretary-General stands ready to do his utmost, together with all interested Member States, to reinvigorate the process of national reconciliation in Myanmar.

We hereby echo the Secretary General and urge the International Community to:

1. Intensely pressure the military regime to immediately release Daw Aung San Suu Kyi and all political prisoners.

2. Lay down an effective policy by the United Nations to convene the People’s Parliament according to the 1990 multi-party general election results.

### ACRONYMS USED IN THIS REPORT

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AFPFL</td>
<td>Anti-Fascist People's Freedom League</td>
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<tr>
<td>ARF</td>
<td>Asian Regional Forum</td>
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<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>BBC</td>
<td>Burmese Border Consortium</td>
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<tr>
<td>BSPP</td>
<td>Burmese Socialist Programme Party</td>
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<td>CDR</td>
<td>Centers for Disease Control and Prevention</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>EU</td>
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<tr>
<td>FTUB</td>
<td>Federation of the Trade Unions of Burma</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>GNP</td>
<td>Gross National Product</td>
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<tr>
<td>ICG</td>
<td>International Crisis Group</td>
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<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>International Labour Organization</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>Member of Parliament</td>
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<td>NCUB</td>
<td>National Council of the Union of Burma</td>
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<td>NCGUB</td>
<td>National Coalition Government of the Union of Burma</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>State Law and Order Restoration Council</td>
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<td>SPDC</td>
<td>State Peace and Development Council</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>Union of Myanmar Economic Holdings</td>
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<td>UNAIDS</td>
<td>Joint United Nations Programme on HIV/AIDS</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<td>USDA</td>
<td>Union Solidarity and Development Association</td>
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</table>
“BIBLIOGRAPHY”


### “Financial Empire in Burma of Steven Lo & Drug kingpin Lo Hsing Han”

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Paid up Capital in million Kyats</th>
<th>Line of Business</th>
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<tbody>
<tr>
<td>Asia World Co., Ltd., June 5, 1992</td>
<td>2,000</td>
<td>Trading, Property Development, Industrial Investment, Construction, Import and Distribution</td>
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<td>Golden Mountain</td>
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<td>LEO Co Ltd</td>
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<td>Myat Mon Yadana</td>
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<tr>
<th>Ownership</th>
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<tr>
<td>Kokang Export/Import Co Ltd,</td>
<td>Steven Lo*</td>
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<tr>
<td>Steven Lao</td>
<td>Kyin Htun</td>
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<tr>
<td>Myat Mon Yadana Co Ltd,</td>
<td>Than Myint</td>
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<tr>
<td>Kyin Htun</td>
<td>Kyay</td>
</tr>
<tr>
<td>Golden Mountain Co Ltd,</td>
<td>Daw Khin Than Myint</td>
</tr>
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<td>Than Myint</td>
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<tr>
<td>Asia World Co; Ltd</td>
<td>Steven Lo*</td>
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<tr>
<td>Asia Wealth Bank, 1995</td>
<td>Aik Tun, Chairman</td>
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<tr>
<td>1997 Status</td>
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<td>Current deposit 110 billion</td>
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<td>Loans disbursed 6 billion</td>
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<td>Asia World Co; Ltd</td>
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<td>Asia World Co; Ltd</td>
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**Asia World**
Address: 61/62 Bahosi Housing Estate, Wadan Street, Lanmadaw, Rangoon. Tel: 222-422

*Steven Lo, alias Tun Myint Naing, son of drug kingpin Lo Hsing Han, was denied entry visa to the U. S. because of his drug links.