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Published by:
Altsean-Burma
(Alternative Asean Network on Burma)
P O Box 296
Lardprao Post Office
Bangkok 10310
Thailand

Tel: +661 850 9008
Fax: +662 693 4939

altsean@altsean.org
www.altsean.org
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BASIC FACTS ON BURMA

**Official name:** Union of Myanmar

**Area** 678,500 sq km

**Constituent States** Burma is comprised of seven Divisions: Tenasserim, Rangoon, Irrawaddy, Pegu, Magwe, Mandalay, and Sagaing; and seven States: Mon, Karen, Karenni, Shan, Kachin, Chin, and Arakan.

**Head of State** Senior General Than Shwe, Chairman of the State Peace and Development Council, and Chief of the Armed Forces (Tatmadaw)

**Prime Minister** Lieutenant General Soe Win

**Cabinet** The State Peace and Development Council (SPDC), is comprised of 11 military generals. It was known from 1988 to 1997 as the State Law and Order Restoration Council (SLORC).

**Population** 48.85 million

**Population growth rate** 1.3 %

**Ethnic composition:** Burman 68%, Shan 9%, Karen 7%, Rakhine 4%, Chinese 3%, Chin 2%, Indian 2% Mon 2%, others 3%

**Military** Military spending has been estimated at between 30% and 45% of public expenditure. Most figures place the amount at around 40% of public expenditure.

400,000 people in the armed forces.

Since May 2003, there has been mass expansion of military-controlled militias that involves forced trainings for men and women public servants.

**Child Soldiers** 70,000, or 17.5% of Burma’s armed forces

**Exchange Rate** Official: 1 USD = 6.02 kyat

Market: 1 USD = 970 kyat

Foreign Exchange Certificate: 1 USD = 930 kyat

**GDP per capita** 99 USD (compared to USD 1,992 in Thailand, USD 435 in Vietnam, and USD 479 in India)

**Export partners** Thailand, India, China, US, EU, Singapore, Japan

**Import partners** Singapore (USD 600 million), China, Japan, Malaysia, South Korea, Thailand

**Economic Status** Burma is one of the world’s five worst nations in terms of economic freedom.

**Life expectancy at birth** 56 years, compared to Malaysia, which is 73.

**Public health** The World Health Organization ranks Burma’s public health care system 190th out of 191.

The IMF estimated public health expenditure at 0.19% of GDP or 2.7% of state expenditure.

**Mortality Rate:** 109 per thousand children under 5 years of age.

In 1990 - 2002 Burma reduced its Under-5 Mortality Rate (U5MR) by 1.5% annually. To reach its Millennium Development Goal of 43, Burma has to increase the rate to 7.1% until 2015.

**Malnutrition Rate** 36% of children under 5 years of age (up from 32% in 1990).

**HIV/AIDS:** UNAIDS estimates 170,000 - 620,000. Another credible estimate is 687,000 people or 3.46% of adults (aged 15 - 44).

**Education:** 0.3% of GDP is spent on education, compared with an average of 3% for other low-income Asian countries. The UN estimates that 10% of public expenditure is spent on education.

Only 30% of children finish primary schools.
Burmaka or Myanmar?

Upon independence in 1948 the country was called “The Union of Burma”. The nationalists decided that “Myanmar” referred to “Burma Proper” or “Ministerial Burma” which was occupied by the Burman or Myanmar ethnic majority. Hence, adoption of “Burma” was meant to include other ethnic groups. Similarly, “Burmese” refers to people of all ethnic backgrounds in Burma.

In 1974, it was renamed the “Socialist Republic of the Union of Burma” upon adoption of a new constitution and a one-party system, the Burmese Socialist Programme Party (BSPP), under Gen. Ne Win. After the 1988 coup, the official name of the country was changed back to the “Union of Burma”.

In mid-1989, the regime then renamed the country “The Union of Myanmar” as part of a broader exercise that renamed population centers, states and geographical features. This has been seen as a “Burmization” campaign that affects non-Burman ethnic areas - in Shan State, Maymyo became Pyin U Lwin, Hsipaw became Thibaw, etc - erasing the meaning of the original names.

The UN and many governments have recognized these changes. Other governments such as the US and UK mainly refer to the country as “Burma” whilst others use “Burma /Myanmar”.

The pro-democracy movement and most ethnic nationality opposition groups regard the changes as illegitimate. These groups refuse to use the name “Myanmar” in protest of the regime’s human rights abuses and lack of consultation regarding the change.

Sources:
Prior to British Colonialism, the area now known as Burma was a number of independent kingdoms. Under the British, Burma was divided into two regions, with central Burma under direct control of the British Raj, while the ‘hill areas’ were able to retain traditional authority.

In the early 1930s, an urban-based independence movement led by Aung San began in central Burma. After originally fighting alongside the Japanese during World War 2, General Aung San and his ‘Thirty Comrades’ helped Allied troops drive the Japanese out of Burma.

Burma achieved independence from the British in 1948, but since then has faced protracted internal conflict. In 1947, General Aung San signed the ‘Panglong Agreement’ with leaders from ethnic Shan, Chin and Kachin areas, agreeing to voluntarily form a federal union; however, General Aung San was assassinated in July 1947 and U Nu assumed leadership of Aung San’s Anti-Fascist People’s Freedom League (AFPFL) party.

Burma’s first experiment with democracy under U Nu was cut short when General Ne Win, one of the original ‘Thirty Comrades’ assumed power in a coup in 1962. Under General Ne Win, the country became isolated, following the ‘Burmese way to socialism,’ where he nationalized all foreign owned enterprises and sealed the country from external influence. Ethnic opposition to central rule and student protests against military rule marked General Ne Win’s reign.

Student protests against General Ne Win in 1988 were violently repressed by the military. Soon after, General Ne Win announced his resignation and called for a nationwide referendum, but the military, under the guise of the State Law and Order Restoration Council (SLORC) re-took control of the country. In May 1990 the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won 80.8% of parliamentary seats in the general elections, but was prohibited from taking office by the military.

The military has continued its brutal rule since 1988, renaming itself the State Peace and Development Council (SPDC) in 1997. Burma today continues to face violent military rule.

**Chronology**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>1824-1886</td>
<td>The British Empire annexes Burma through 3 Anglo-Burmese wars.</td>
</tr>
<tr>
<td>1930s</td>
<td>Urban-based Burman nationalists begin looking for Asian support for an armed resistance movement against the British. Student leader Aung San receives training from the Japanese.</td>
</tr>
<tr>
<td>1942</td>
<td>Aung San and the 30 Comrades drive out the British with Japanese help.</td>
</tr>
<tr>
<td>Aug 1943</td>
<td>Burma is declared independent but leaders become dissatisfied with the Japanese, who see Burma as a colony.</td>
</tr>
<tr>
<td>27 Mar 1945</td>
<td>Resistance movement to drive out the Japanese from Burma begins, led by General Aung San who has gained support from Allied troops.</td>
</tr>
<tr>
<td>15 Jun 1945</td>
<td>Japanese troops driven out of Burma.</td>
</tr>
<tr>
<td>1946</td>
<td>Aung San returns to civilian life as President of the Anti-Fascist People’s Freedom League and Deputy Chair of the Executive Council of Burma.</td>
</tr>
<tr>
<td>27 Jan 1947</td>
<td>Aung San Attlee Agreement: The British government led by PM Attlee accepts to give independence to Burma within one year.</td>
</tr>
<tr>
<td>3-12 Feb 1947</td>
<td>Panglong Agreement: The Shan, Chin and Kachin agree, under principles of equality, voluntary participation and self-determination, to join the Union of Burma to gain independence from Britain.</td>
</tr>
<tr>
<td>Apr 1947</td>
<td>AFPFL wins election.</td>
</tr>
<tr>
<td>19 Jul 1947</td>
<td>Aung San and cabinet members assassinated by a political rival.</td>
</tr>
<tr>
<td>4 Jan 1948</td>
<td>Burma becomes independent.</td>
</tr>
<tr>
<td>1948-1958</td>
<td>Burma’s first experiment with democracy. The elected government of Prime Minister U Nu and the AFPFL party face communist insurgency and armed struggle by some ethnic groups, notably the Karen, who are dissatisfied with the implementation of the Panglong agreement. The government is very active and respected in international affairs.</td>
</tr>
</tbody>
</table>
Sep 1958 U Nu announces his resignation and the military led by General Ne Win forms a caretaker government.

Feb 1960 Elections. U Nu's party, now an AFPFL faction renamed Union Party, is re-elected.


7 Jul 1962 Student protest against Ne Win rule is crushed. Over 100 students from Rangoon University are killed, and the students' union building is destroyed by the Army.

1974 A new constitution instating a one-party system and a unitary state is adopted. Attempts by the Chin to suggest a federal union are repressed. Ne Win continues his rule as a civilian leader of the Burma Socialist Programme Party (BSPP).

1987 Burma is designated a “Least Developed Country” by the UN.

16 Mar 1988 Red Bridge incident. A student protest in Rangoon against the Ne Win rule is crushed and dozens of students are murdered by the authorities. The event sparks sustained student protests throughout the spring, calling for the end of BSPP rule and for a multi-party democracy.

23 Jul 1988 General Ne Win resigns, calling for a referendum to decide on whether to maintain one-party rule or change to a multi-party system, but the BSPP refuses to endorse the proposal. Sein Lwin, a Ne Win protégé, becomes the new president and BSPP Chairman.

8 Aug 1988 8888 uprising. Tens of thousands of people peacefully take to the streets across Burma to demand genuine democracy and human rights.

18 Sep 1988 State Law and Order Restoration Council (SLORC) is established following a military coup. It announced that multi-party elections would be held but continued to kill demonstrators. Estimates of those killed vary, but the ABSDF says that about 10,000 were killed nationwide.

27 Sep 1988 The National League for Democracy (NLD) is founded. Daw Aung San Suu Kyi, daughter of independence hero General Aung San, becomes General Secretary.

20 Jul 1989 NLD General Secretary Daw Aung San Suu Kyi and NLD Chairman U Tin Oo are put under house arrest and disqualified from running in the election.

27 May 1990 Parliamentary General Election is held. The NLD wins 392 of the 485 parliamentary seats.

27 Jul 1990 Elected representatives cannot form a government until a new constitution is drafted. SLORC announces through Declaration No. 1/90 that it will continue to rule the country by martial law until the elected representatives write a new constitution.

28 Jul 1990 NLD adopts an interim constitution. To allow a smooth transition from a single-party to a multiparty system, the NLD adopts an amended version of the 1947 Constitution, replacing the defunct 1974 Constitution. Provisions regarding ethnic nationalities are suspended until detailed consultations with them can take place. The SLORC refuses to recognize any temporary constitution.

9 Oct 1990 SLORC Foreign Minister U Ohn Gyaw announces upcoming constitutional talks to the UN General Assembly. “A broadly-based national convention will be convened to discuss all factors that should be taken into account in drafting the new constitution.”

9 Jan 1993 Opening of the National Convention. The Convention meets sporadically over the next 4 years to draft “Detailed Basic Principles” for a new constitution.
10 Jul 1995 Daw Aung San Suu Kyi is released from house arrest.

28 Nov 1995 NLD withdraws from the National Convention due to the NC’s undemocratic process. The next day the junta expels all the NLD delegates.

1989-1995 The SLORC signs ceasefire agreements with 14 armed groups.

31 Mar 1996 The National Convention is adjourned to an unspecified date.

23 Jul 1997 Burma is admitted to ASEAN.

15 Nov 1997 The SLORC is renamed the State Peace and Development Council (SPDC).

22 Sep 2000 Daw Aung San Suu Kyi put under house arrest for attempting to travel outside Rangoon.

2000-2002 “Secret Talks” between Daw Aung San Suu Kyi and the military regime take place. No

6 May 2002 Daw Aung San Suu Kyi is released from house arrest and allowed to travel beyond Rangoon.

30 May 2003 Depayin Massacre. Daw Aung San Suu Kyi is imprisoned at an undisclosed location following an SPDC-sponsored attack on her convoy, where it is estimated that 282 people were killed and over one hundred more arrested, as part of a general crackdown on the NLD.

30 Aug 2003 Gen Khin Nyunt, newly appointed as Burma’s Prime Minister, announces a democracy roadmap. The first of seven steps is the “Reconvening of the National Convention that has been adjourned since 1996.” No timeframe for the roadmap is given.

17 May 2004 National Convention is reconvened. The NLD and 8 other major ethnic political parties boycott it because of the regime’s refusal to amend the undemocratic objectives and processes of the convention.

9 Jul 2004 National Convention is adjourned for an undetermined period.

18 Oct 2004 Burmese PM Gen Khin Nyunt arrested and detained at home on corruption charges or “allowed to retire for health reasons.” A purge of the Military Intelligence ensues.

23 The source for all preceding events is Christina Fink (2001) Living Silence: Burma Under Military Rule
24 ABSDF (June 1998) To Stand and Be Counted: The Suppression of Burma’s Members of Parliament, p. 15
28 Chronology of Statements by Burmese Military Spokesmen on Multi-Party Elections, a New Constitution, The National Convention, Transfer of Power, etc. (available online: http://www.ibiblio.org/obl/docs/Statements.htm)
29 Reuter (29 Nov 1995) Burma Opposition Pulls Out of Constitutional Talks
30 For more information on the status of the ceasefire groups see www.irrawaddy.org/ceasefire.html
32 Alsean-Burma (Nov 03) Arrested: Report Card
33 NLM (30 Aug 03) Prime Minister General Khin Nyunt clarifies future policies and programmes of State
34 Asian Tribune (2 Jun 04) Burma: A National Convention in the Absence of Representatives-elect
35 Irrawaddy (5 Jul 04) Burma’s NC to Take an Intermission
RESHUFFLING THE SPDC DECK

On 19 October 2004, SPDC Prime Minister Gen Khin Nyunt was removed from the Prime Minister’s Office, officially ‘permitted to retire for health reasons,’ but is apparently under house arrest on corruption charges.

With the announcement of Lt Gen Soe Win as Burma’s new Prime Minister, the ousting has cemented the regime’s hardline faction, and the top three positions are now staffed by men known for their contempt for democratic reform, Daw Aung San Suu Kyi and international cooperation. Lt Gen Soe Win is considered the mastermind of the Depayin Massacre that subjected Daw Aung San Suu Kyi and her colleagues to a violent attack that killed scores of people.

As well as diminishing prospects for democratic reform, the ousting carries ramifications for the ethnic opposition groups, ceasefire negotiations, border security and trade, economic investment and narcotics flows.

Speculation on Why it Happened

This dramatic development is indicative of the continuing political and business rivalry between the Army and the Military Intelligence Services a.k.a. “the MI”. The MI has generally been viewed with suspicion and scorn by the upper echelons of the army as well as rank-and-file soldiers because they are considered tricky or sneaky. The MI also lacks macho credibility because they are not considered “fighting men”.

Gen Khin Nyunt sought to recover from the setback posed by the ignominious death of his mentor Gen Ne Win through reinventing himself as a reformer to the international community. He had, on several occasions, confided to foreign officials that he was not averse to dialogue and reform, but was unable to act because of Sr Gen Than Shwe. This impelled several key actors to rally support for Khin Nyunt in the international community, with some speculating that Khin Nyunt would deliver political reforms if only he had more power in the regime.

Khin Nyunt irked the army by his active pursuit of lucrative (and dubious) business deals that benefited those who were linked to him. Such “entrepreneurial acumen” seems to have rubbed off on his MI subordinates, causing increased resentment amongst other sections of the armed forces.

It is very likely that Than Shwe was threatened and angered by this. All that was needed was the right timing and a plan to ensure the elimination of Khin Nyunt’s entire domestic support base.

According to sources inside Burma, within hours of Khin Nyunt’s arrest, the Office of the Chief of Military Intelligence (OCMI) in Rangoon was
raided and “hundreds of military and government officials” were rounded up. Three of the people arrested were Burma Army Division Commanders suspected of cooperating with Khin Nyunt.38

In the weeks before the dismissal, soldiers had raided MI-dominated checkpoints along the Burma-China border, seizing large quantities of gold, jade and cash. At the end of September, an estimated 70 OCMI personnel were arrested along the China border under orders from the Lashio Army Commander.39 At the same time, MI-linked businesses in Rangoon were reportedly closed down and trade along the Thai-Burma border had been suspended in Myawaddy since 12 October.

Dashed Hopes for Reform?
The new face of the regime, Lt Gen Soe Win, is most famed for his promise that “the SPDC not only won’t talk to the NLD] but will also never hand over power to the NLD.”40 The dismissal of PM Gen Khin Nyunt is a setback for hopes of reform in the regime.

Similarly, with confusion over the continuing strength and role of the OCMI, there are fears for Daw Aung San Suu Kyi’s safety, as it was MI who was guarding her. Nyo Ohn Myint, a senior NLD member, also said he was worried about the safety of the NLD leader. “We are concerned for Daw Aung San Suu Kyi,” he said. “Khin Nyunt was the head of intelligence, and she is under their watch. Who is going to look out for her security?”41

Even Less Economic Stability
Businesses, border trade and investment all stand to suffer from the reshuffle. The Export Import Bank of Thailand delayed the next instalment of their baht 4 billion loan to Burma “until the political situation becomes clearer”.42 In the weeks before the ouster, MI-dominated businesses, many in the border areas, have been shut down by the army. The military-backed Phoenix Travel Agency at Rangoon Airport was closed down on 14 October.43

The stoppage of border trade in Myawaddy similarly does not bode well for trade security, especially given Thailand’s hopes of turning the region into a Special Economic Zone. Foreign holdings in Burma that are linked to Khin Nyunt may be vulnerable to nationalization or takeover. Bagan Cybertech, an Internet service provider run by Khin Nyunt’s son, has reportedly been taken over by the army,44 Sr Gen Than Shwe was the officer who reportedly ordered the seizure of Mandalay Brewery in 1998, despite a 45% Singaporean investment in the venture.45

What of the Ethnic Nationalities?
Some of the ethnic nationalities have justifiably expressed concern over Khin Nyunt’s purge. Since its inception in 1989, the ceasefire process has been spearheaded by the OCMI and Gen Khin Nyunt himself has negotiated many of the ceasefires.46

The fate of the ceasefires is now tenuous, not only because of upper level disdain towards the negotiations, but also because many soldiers reportedly believe that the army can defeat the opposition groups militarily, thereby making the ceasefires irrelevant.47 The current round of KNU talks were also being undertaken by officers from MI, and their future is somewhat dubious.48

Despite the failure of the ceasefires to deliver peace agreements and protection of human rights, they have reduced the occurrence of large-scale battles. The hardliners’ zero tolerance attitude could lead to an escalation of military aggression, increasing human suffering and refugees.

36 Gen Ne Win, Burma’s first dictator died on Dec. 5, 2002. His son-in-law and grandson were in jail at the time. Ne Win was deprived of a state funeral.
38 Irrawaddy (20 Oct 04) General Maung Aye’s Putsch?
39 Irrawaddy (19 Oct 04) Khin Nyunt under house arrest?
40 DVB (28 Jan 03) No plan to talk to NLD and we are not afraid of USA-SPDC
41 BBC (19 Oct 04) Khin Nyunt’s fall from grace; the commanders are said to be from Chin, Kachin and Shan States; see DVB (21 Oct 04) Changes inside Burmese Junta after Gen Khin Nyunt’s removal.
42 The Nation (22 Oct 04) Exim to delay loan for time being
43 DVB (17 Oct 04) Junta closes down MI’s Travel Agency
44 The Nation (23 Oct 04) Junta shuts Intelligence office.
45 Irrawaddy (Dec 01) More Trouble Brewing for Mandalay Beer
46 Irrawaddy (20 Oct 04) Ethnic Groups Uneasy Over Military Purge
47 Mizzima (28 Jan 04) Two-Level Game: SPDC divided on Peace
48 Irrawaddy (20 Oct 04) Ethnic Groups Uneasy Over Military Purge
49 Irrawaddy (20 Oct 04) Ethnic Groups Uneasy Over Military Purge
THE NATIONAL LEAGUE FOR DEMOCRACY (NLD)

Founded During the ‘8888’ Uprising

On 8 August 1988 a nationwide uprising, known as 8888, shook the foundations of more than 25 years of authoritarian rule and expressed people’s desire for democratic change. Unfortunately these aspirations were crushed by the military, which violently repressed the demonstrations, and took power on 18 September, 1988.

It was in this context that the NLD was formed on 27 September with the aim of achieving a “genuine democratic system” with the rule of law and a constitution that guarantees basic human rights.50

The National League for Democracy (NLD) won 80.8 % of parliamentary seats in the 27 May 1990 election.

“There were many restrictions on the National League for Democracy. U Tin Oo, the chairman of the League, and myself, the General Secretary, were placed under arrest a year before the elections took place. Many of our colleagues were also placed under arrest, there were many cases of harassment, we were restricted in what we were allowed to do, we were not free to campaign as we pleased, but yet the people of Burma voted for us overwhelmingly not because they wanted the NLD as such, but because they wanted a party that would protect their democratic rights.” – Daw Aung San Suu Kyi51

After it lost the election, the military refused to convene Parliament and transfer power. The NLD has consistently called for the implementation of the results of the election since then.52

At the 1993 National Convention

Following the NLD’s stunning electoral victory, the regime changed the rules of the game, and claimed the role of the elected representatives would only be to draft a new constitution.53

The NLD agreed to participate in the 1993 National Convention. The party repeatedly called for democratic reforms in the National Convention process, to allow open discussion and debate amongst participants. Concerns were also expressed over the objective of the Convention, which was to guarantee a leadership role for the military in the future political life of Burma. There were only 88 NLD MPs out of 702 delegates to the convention, most delegates were handpicked by the regime.

On 28 November 1995 the NLD delegates walked out of the Convention in protest. “The NLD delegates will not be attending the national convention until such time as a dialogue with a view to achieving national reconciliation, genuine multi-party democracy and a constitution that can [sic] with the support and confidence of the people, has been successfully put into effect,” said NLD Chairman Aung Shwe at the time.54

In response, the regime expelled all NLD delegates from the Convention, and adjourned the constitution talks without explanation 3 months later. The adjournment lasted 8 years. [See National Convention]
Depayin Massacre & Crackdown

Burma’s military regime has consistently worked to undermine the NLD over the past 16 years. As of September 2004, 15 Members of Parliament, all from the NLD, remain in prison, some since 1990. Three MPs have died while in custody, and scores of MPs have been detained over the past 14 years. Many other MPs have fled Burma and now live in exile.

The latest crackdown on the NLD started with the assassination attempt on Daw Aung San Suu Kyi and NLD supporters on 30 May 2003 in Depayin, Sagaing Division. This attack was premeditated, and the culmination of a campaign of increased harassment by the military regime. It was a response to the support shown by tens of thousands of people during Daw Aung San Suu Kyi’s trips across the country. In the months following her release from 19 months’ house arrest in May 2002 the Nobel Laureate had led a convoy of NLD members and supporters to visit around 135 townships in 12 States and Divisions.

According to a leaked document produced by the regime, 282 people, NLD members and supporters, were killed during the events of 30 May 2003 in Depayin. Following the incident all NLD offices were closed, and remain closed to this day with the exception of its headquarters, reopened in April 2004.

NLD members continue to be sentenced to long prison terms on bogus pretexts. On 23 September 2004 four NLD members were sentenced to 7 years imprisonment for allegedly having contact with illegal organizations. They were charged under the notorious 1950 Emergency Provisions Act, which criminalizes any action deemed to “undermine the security of the Union or the restoration of law and order”. The trial was held inside Insein Prison in Rangoon, and the court used only evidence produced by the military intelligence to make their verdict. More information on other crackdowns is available in the 1990 Election briefing.

Excluded from National Convention

A seven-point roadmap was announced by the regime on 30 August 2003 as an attempt to counter the international pressure resulting from the Depayin Massacre. The reconvening of the National convention was the 1st phase of the roadmap.

The regime has consistently worked to suppress the NLD. As of September 2004, 15 Members of Parliament remain in prison, some since 1990. Three MPs have died in custody and scores of MPs have been detained.

NLD members are being sentenced to long prison terms on bogus pretexts. On 23 Sep 2004, four members were given 7 years jail for allegedly contacting illegal organizations.

The Depayin Massacre, the bloodiest attack on the pro-democracy movement since the 8888 uprising, was the launch of another nationwide crackdown against the NLD. A leaked regime document stated 282 people were killed during the events of 30 May 2003 in Depayin.

Despite various promises from the regime to release Aung San Suu Kyi and U Tin Oo, in order to honour a number of international deadlines, they remain in detention.

The continued detention of the NLD leaders, as well as the regime’s refusal to be flexible on their “6 objectives” and “104 basic principles” imposed on the National Convention process, compelled the NLD to boycott it. This boycott was joined by 8 other political parties.

The NLD remains active. In July the party launched a nationwide petition calling for the release of all political prisoners, including Daw Aung San Suu Kyi and U Tin Oo, and the reopening of all NLD offices. The party celebrated its 16th anniversary with 500 guests in Rangoon.

In many towns around the country, NLD members have set up temporary offices in their homes to allow coordination of activities.

The NLD is keen to reform its structure, however the party’s efforts at internal reform are currently paralyzed by the regime’s refusal to allow CEC meetings with detained leaders or ease other restrictions on the party.
The NLD deferred making a decision on its participation until all members of its Central Executive Committee could meet. On 29 April a Central Executive Committee meeting was permitted at the residence of Daw Aung San Suu Kyi, still under house arrest, and the NLD decided to participate to the National Convention if the SPDC agreed with the party’s demands.39 The NLD made the following demands:

1. The "six objectives" should be regarded merely as suggestions to be considered in the drafting of the constitution.
2. The "104 principles" too should be regarded as suggestions to be considered for the drafting of the constitution, not as binding principles.
3. All political parties, including the NLD, should be able to choose their own representatives freely.
4. All NLD offices sealed since 30 May 2003 must be reopened and party signboards restored where they have been forcibly removed.
5. U Tin U, vice-chairman of the NLD and General Secretary Daw Aung San Suu Kyi must be released from detention.60

As the authorities agreed only to the second demand, the NLD announced on 14 May that it would not participate in the National Convention. That decision was supported by the United Nationalities Alliance (UNA), a grouping of eight major ethnic political parties, and several members of the international community, notably the UK and the US.61 The UNA’s decision to boycott the Convention is significant, because it means that nine political parties that won a total of 90.9% of parliamentary seats in the 1990 elections refused to participate in an undemocratic process.

Active Despite Crackdown

In July 2004 NLD spokesperson U Lwin confessed that the party was undergoing difficult times because of the repression it faced. “As much as 80 percent of the Central Executive Committee is imprisoned or has resigned from the party. The party’s structure has almost collapsed,” he said. The CEC has only been allowed to meet a few times prior to the National Convention to decide on the party’s participation. Nevertheless the party has been surprisingly active following its boycott of the National Convention.

On 19 July 2004, the 57th Martyrs’ Day in Burma, the NLD began circulating a nationwide petition calling for the release of all political prisoners, including Daw Aung San Suu Kyi and U Tin Oo, and the reopening of all NLD offices.62 Despite close surveillance from the military regime and the Union Solidarity and Development Association (USDA), a civilian organization led by the generals, thousands of people have continued signing the petition throughout the month of August 2004.

Meanwhile the party held consultation meetings nationwide with its members in temporary offices provided by senior NLD members. The NLD is keen on reforming its structure, expanding its CEC and including more young members.63 However the party’s efforts at internal reform are currently paralysed by the regime’s refusal to allow meetings with CEC members including Daw Aung San Suu
Kyi, or ease other restrictions on the party. Many party leaders remain in detention, and all but one of the party’s offices is closed.

The party’s celebration of its 16th anniversary on 27 September 2004 was attended by approximately 500 NLD members, supporters, and diplomats in Rangoon.

“Because of the experiences of the past and history, we have first restored the national consolidation and peace and stability.” ~ Sr Gen Than Shwe, July 2001.

“... this remains our firm policy; that reasonable compromise which would promote peace, stability and harmony within our country or within our region is always acceptable to us. There is a difference between a readiness to compromise and a readiness to kneel. We are not ready to kneel -- that we have to say frankly, because by kneeling we would be letting down those who trusted us to bring democracy to Burma. This would always be our aim.” ~ Daw Aung San Suu Kyi, July 2000.

“The Government has been making strenuous efforts out of goodwill to bring about harmonious and equitable development the length and breadth of the nation. In this connection, active participation of the people is specially needed.” ~ Sr Gen Than Shwe, April 2003.

“They [the SPDC] are frightened of the emergence of a democratic government because they don’t understand what a democratic government really is. They don’t understand that we’re not out for revenge, we’re not out to crush them or the army. We only want to establish a system whereby there can be a balance between justice and security and freedom for all our people.” ~ Daw Aung San Suu Kyi, October 1999.
WHO’S WHO

Senior General Than Shwe

SPDC Chairman, Commander-in-Chief of Armed Forces, Head of State. Age: 71.

After working in the Burmese postal service, Than Shwe joined the army at the age of 20 and his career included a stint in the department of psychological warfare. He has said that “the Lady” whose name he loathes to hear spoken, is only one person in 52 million and her views cannot hold the country to ransom. However, under his rule, the country is being held ransom to his dynasty-building ambitions. Sr Gen Than Shwe’s refusal to engage in economic and political reforms continue to cause widespread suffering in Burma.

Than Shwe is the patron of the infamous Union Solidarity and Development Association (USDA) which was directly responsible for the Depayin Massacre. He has been Burma’s head of state since 1992 and in the past year has consciously stacked the upper echelons of the regime with hard-line soldiers opposed to dialogue. Some say he is superstitious and regularly seeks the advice of astrologers.

Deputy Senior General Maung Aye

SPDC Vice-Chair, Deputy Commander-in-Chief of Armed Forces, Commander-in-Chief of Army. Age: 64

A ‘career soldier’, he was a Colonel in the Northeastern Command during the 70s and 80s, and many believe he used that time to nurture strong ties with drug lords in the Golden Triangle.


He is said to be in poor health, and was treated several times for prostate cancer.

U Aung Shwe

NLD Chairperson, elected MP for Mayangone 1, Rangoon Division. Age: 86

U Aung Shwe graduated in Arts from Rangoon University in 1940. He served in the Burma Independence Army, Burma Defense Army and Patriotic Burmese Force from 1942 to 1945.

In 1961 he was forced to retire from the Army while serving as the Southern Military Commander because he was accused of being partial towards elections.

He served as Ambassador to Australia, Egypt, France, Spain and New Zealand from 1961 to 1975.

During the 1990 election, he was the Chairperson of the Patriotic Old Comrades League before the SLORC banned the party. He became NLD Chairperson while Daw Aung San Suu Kyi and U Tin Oo were under house arrest.

U Tin Oo

NLD Deputy Chairperson. Age: 77

General Tin Oo served as Defence Minister from 1974 to 1976.

He was highly respected by soldiers and civilians, but was imprisoned by Gen Ne Win for suspected involvement in a coup attempt. It was while he was in jail that Tin Oo committed himself to promoting the rule of law. After release under amnesty in 1980, he successfully studied for a law degree.

He was the NLD’s founding Chairperson. Placed under house arrest on 20 July 1989, he was later sent to prison for 6 years. Upon his release U Tin Oo became Deputy Chairperson of the NLD.

U Tin Oo was attacked at the Depayin Massacre and then imprisoned. He was transferred to house arrest on 14 February 2004, where he remains as of October 2004.
Lt Gen Soe Win

Lt Gen Soe Win is a staunch ally of Sr Gen Than Shwe, and most well known for his role in suppressing the 1988 uprisings.

He was formerly a part of Light Infantry Division 22 in Karen State, and then moved to Rangoon in 1988. In 1995 he became the Deputy Commander of LID 66 in Prome, and was appointed Commander of the Northwestern Regional Command in Sagaing in 1997.

He is a key figure in the Union Solidarity and Development Association (USDA), regarded as playing a key role in the May 2003 Depayin Massacre. Soe Win once said at a local USDA gathering in Prome that “the SPDC not only will not talk to the NLD but also would never hand over power to the NLD”.71

He was rewarded for his efforts with the USDA and appointed to the position of Secretary 2 in February 2003. 72 He was then appointed Secretary 1 in August 2003 after Gen Khin Nyunt was named Prime Minister.73

Colonel Hla Min

Junta spokesperson and actively dedicated to toeing the SPDC line.

In 2003, he insisted that "the government actively welcomes meaningful and constructive suggestions from all its citizens in all areas of national development, particularly in education, health care and economic development."74 In May 2002 after Daw Aung San Suu Kyi’s release from house arrest, he eloquently said, “She can travel. We will sort of cooperate because she is a prominent person.”75

Daw Aung San Suu Kyi


Daw Aung San Suu Kyi was born in Rangoon. She was two when her father, considered the father of Burmese Independence, was assassinated. She moved to India when her mother was Ambassador, and later continued her studies in the United Kingdom. She returned to Burma in 1988 and was recruited to join the democracy movement. She co-founded of the NLD and became its General Secretary. She was placed under house arrest from 19 July 1989 to 10 July 1995.

Daw Aung San Suu Kyi was again put under house arrest from September 2000 to May 2002. Upon release, she was warmly welcomed by tens of thousands of people during trips around the country until regime-sponsored thugs brutally attacked her and her supporters at Depayin on 30 May 2003. She was jailed and later sent to house arrest, where she remains as of October 2004.

U Lwin

NLD Spokesperson, elected MP for Thongwa 1, Rangoon Division. Age: 80

U Lwin is a former Deputy Prime Minister and member of the Burma Socialist Programme Party State Council. He served in the Burma Independence Army, Burma Defense Army and Patriotic Burmese Force from 1942 to 1945. He completed military officers’ training at the Japanese Royal Military Academy and he studied at the British Royal Military Academy from 1952 to 1954. He also served as military attaché to the USA.
“Only when a nation possesses a modern defense capability, will it be possible to ensure the full protection of its sovereignty. Thus, it can be seen that in every nation of the world, patriotic leaders and experts who hold sovereignty dear have the sense of responsibility to contribute to the strengthening and modernization of the Armed Forces.” ~ Sr Gen Than Shwe at Armed Forces Day, 2004.76

“Everything that is done with regard to Burma should be done with a view to helping us to achieve good governance. Good governance means transparency, accountability, respect for the people. Good governance means democratic government.” ~ Daw Aung San Suu Kyi, June 199977

“Auntie Suu is a willful and hard-headed person liable to rash judgments followed by blind action, in her relations with the present Government. Nevertheless, whatever the provocation, responsible leaders of the present government, preferring to act with forbearance, and on the basis of give and take, have always chosen to take action in moderation.” ~ The New Light of Myanmar, July 200378

“The military regime often accuses the National League for Democracy of inflexibility. We have done everything we can to try to bring about a dialogue that will help us find solutions to the problems of our country. It is the military regime that is opposed to dialogue.” ~ Daw Aung San Suu Kyi, June 1999. 79
BURMA’S ECONOMY: SOLDIERS ARE NOT ECONOMISTS

Unstable Domestic Policies

Burma’s economy has been steadily declining since 1962. Although Burma was once the ‘rice bowl’ of Asia, it is now ranked as one of the UN’s Least Developed Countries.

Burma’s military rulers have refused to establish a consistent macroeconomic policy. Fiscal deficits are regularly financed through credit from the Central Bank. The government’s attempts to increase revenue continue to be undermined by the untaxed grey economy.

The junta’s spending is disproportionately skewed towards military expenditures and other expenditures that do not contribute to production, such as ceremonies, festivals, inspections and tours from SPDC officials.

Most figures place military expenditure at around 40% of central government expenditure, with health at 4% and education at 10%. Despite an economy dependent upon agrarian produce, the junta refuses to establish long term standards and assurances for land production or ownership.

There is a fundamental distrust of both the government and the banking system, which undermines the domestic economy. The Ne Win regime demonetized bank notes twice, most notably in 1987, when 25, 35 and 75 kyat notes were demonetized, wiping out 70% of the country’s savings. Rumors in 2001 that 1,000 kyat and 500 kyat notes would also be demonetized further weakened public trust in the banking system.

The February 2003 banking crisis, in which a run on banking deposits led the SPDC to cap withdrawal limits to as low as 50,000 kyat (USD 54) per week and temporarily cancel ‘account transfer transactions,’ further debilitated the economy.

A Multitude of Exchange Rates

Since 1993 the junta has drastically overvalued its currency, which has facilitated black market rates and created a three-tiered exchange rate:

1. An official exchange rate: 6.02 kyat =USD 1
2. The market rate: 970 kyat =USD 1
3. The Foreign Exchange Certificate rate: 930 kyat = USD 1

FECs were introduced to enable the generals to access US dollars. Initially, foreign visitors were forced to exchange between USD200 and USD300 on entering the country. They are supposedly pegged to the US dollar, though real currency

The NLD and the pro-democracy movement have consistently called for economic reforms alongside political reforms.

The regime’s mismanagement has accelerated the downward spiral of Burma’s economy, owing to its “unpredictable, sometimes bizarre policies.” ~ Economist Intelligence Unit (Feb 04) Myanmar Country Report

In the past 16 years, there has been no evidence that economic investment and trade has led to positive signs of human development for Burma.

The economy was further undermined by the 2003 banking crisis - the third of its kind - and the generals have not implemented any substantive measures to alter the conditions that led to the crisis. ~ FTUB (Apr 04) Economic Report on Burma

Burma’s formal economy is controlled by state-run enterprises and ‘private’ companies run by regime officials and their associates. Private companies can only export under the authorization of the Union of Myanmar Economic Holdings Ltd (UMEH), which is owned by the Department of Procurement under the Ministry of Defence, or the state-owned Myanmar Agriculture Produce Trading (MAPT), which both receive an 11% commission on transactions.~ US Department of Commerce Burma Country Commercial Guide FY2002

Drug trafficking and money laundering sustain the economy. In 1995-96, an estimated USD 600 million was unaccounted for, an exceptionally large figure as the junta was only exporting USD 1 billion annually then. ~ Altesan-Burma (Nov 03) Ready Aim Sanction

Economic development in Burma is therefore linked with political change. There are no ‘quick fixes’ for the Burmese economy. Recovery begins with an honest assessment of the problem and transparency in its solution.
fetches a higher value from black market moneychangers.

Immediately after the sanctions hit, reports indicated that FECs plunged to 40 or 50% of its initial value. This was significant, as the generals had long been hoarding “hundreds of thousands or millions of dollars of FEC.” In August 2003, a month after US sanctions were imposed, it was reported that the regime had removed the requirement to buy FECs on arrival. However, foreign companies and visitors are technically still required to change money at the skewed official rate.

The Big Tentacles: A Sample of the SPDC’s Links with Business

**UMEH: Union of Myanmar Economic Holdings.** Under the control of the Adjutant General’s Office. All major foreign investors enter into joint ventures with UMEH. Extensively engaged in the manufacturing sector.

**DDP: Directorate of Defence Procurement.** Imports weapons for the military. Owns a 40% share of UMEH, and at least 8 other ventures in agriculture, fishery, trade, construction and tourism.

**DDI: Directorate of Defense Industries.** Operates factories around Rangoon and Mafun. Controls 12 “defence industries” that make products ranging from weapons to sports balls.

**MEC: Myanmar Economic Corporation.** Private shares can only be held by active-duty military personnel. It is a branch of UMEH. Extensively engaged in the manufacturing sector, agriculture and commodity trading, banking and finance, natural gas and petroleum exploration, gems and tourism.

Unstable Investment Climate

The regime has pursued a process of ‘privatization’ to manipulate the economy in a way that has allowed the military to ‘re-assert’ ownership and control over formal sector enterprises. As a result, the main beneficiaries are the regime’s top officers, family members, allies and close business associates.

Private investors are compelled to collaborate with various auspices of the SPDC, which unpredictably alters the rules of investment. Investments are usually made in or in partnership with the Union of Myanmar Economic Holdings (UMEH) or Myanmar Economic Cooperation (MEC), which demand varying stakes in foreign business investments.

The military regime owns the lion’s share of formal businesses in Burma through a network of state enterprises. Foreign investors, as a rule, are compelled to enter into joint ventures with these entities, thus guaranteeing lucrative incomes for senior military officers and their cronies.

In addition to direct ownership, the regime also benefits from both legal and arbitrary taxes imposed on imports, exports and foreign transactions.

80% of large-scale enterprises with more than 100 employees are state-owned or state-affiliated enterprises. ~ Buma Campaign UK (Mar 2004)

**The Case for Targeted Sanctions**

A Burmese analyst states that 75% of Burmese work in the rural sector and while they are poor, they are not as affected by the Western sanctions as the business interests owned and run by the Burmese army and their cronies. ~ Mizzima News (24 Mar 04)

Sanctions and Actions

“Myanmar has failed to establish a framework to engage in effective international cooperation in the fight against money laundering, and its anti-money laundering law continues to lack the implementing regulations necessary to make it enforceable.” ~ FATF, Nov 2003.

Australian scholar Andrew Selth argues “It is now very difficult to establish any major business in Burma without the support of senior military officers, many of whom have their own private companies throughout the country...It must be assumed that a high percentage of the profits of the joint venture deals embarked upon to date must eventually return in one form or another to the armed forces.”

Recent Daewoo investment agreements on energy exploration in western Burma have seen the Ministry of Energy reap a 65% stake despite Daewoo having funded the exploration. UMEH usually receives 60% of total proceeds from the sale
of gems by companies it subcontracts with. Without an overarching investment law and an attendant respect for the rule of law, such deals will continue to be set by the SPDC on whim.

Business contracts are not always honoured by the regime. In 1998, the Mandalay Brewery was suddenly “nationalized” even though Singaporean investors had a 45% stake worth $6.3 million.

**Foreign Trade Boosting the Junta**

The SPDC has “imposed a series of restrictive and ill-conceived trade policies. [Their] motivations for many of these restrictions appear to be aiding crony companies, protecting moribund state-owned enterprises, and capturing scarce foreign exchange.”

The junta frequently alters its rules for foreign trade. Traders report that private companies can only export under the authorization of the UMEH or the Myanmar Agricultural Produce Trading (MAPT) which generally receive an 11% commission on transactions. Further to this there is an additional 10% tax on all exports.

In early 2004, the junta unexpectedly added a 25% tax on imports. At the same time, they banned the export of rice and other primary commodities without informing the producers who had already entered into contracts with foreign firms.

In March 2002, the SPDC revoked the licenses of all foreign trading firms. The regime declared that “foreign companies, from trading companies particularly, will not be allowed to import or export anything.”

In 2000-01, several Japanese companies such as Ajinomoto, Toyota and All Nippon Airways (ANA) withdrew from Burma, as they could not conduct business in the way they were promised.

During September 2000, traders were restricted to importing only 1 million kyat (approx USD 1,100) per month, in addition to SPDC restrictions on the items that could be imported/exported. At the same time, they banned private exports of key commodities.

**Irresponsible Borrowers**

A USD 94 million debt to China was re-scheduled because the Burmese military government was unable to make repayments. It has also been rumored that the SPDC has failed to repay the USD 160 million loan from the Thai Export-Import Bank since 1996. This loan was used to finance refurbishment of Mandalay International Airport.

A 2000 statement from eight institutional investors* identified Burma as an investment market that exposed businesses to ‘extraordinary risks.’ The statement cautioned investors against:

1. Poor staff safety, threat of asset expropriation, pervasive corruption and other political risks inherent in operating in a highly volatile environment;

2. Loss of confidence and subsequent action by shareholders;

3. Widespread public condemnation and damage to reputation

The Economist Intelligence Unit has also warned against investment due to:

1. Widespread corruption;

2. Heavy taxes;

3. Policies forcing firms to repatriate profits only at the skewed official exchange rate;

4. Poor infrastructure.

* CIS – Co-operative Insurance; ethos – Swiss Investment Foundation for Sustainable Development; Friends Ivory & Sime; Henderson Global Investors; Jupiter; Morley Fund Management; PGGM – pension fund for the healthcare sector and social work sector; USS – Universities Superannuation Scheme Limited

**More Money = More Guns**

As the junta gains increasing access to foreign exchange, the military acquisitions expand. In July 2001, it was reported that Rangoon bought 10 MiG-29 jet fighters from Russia for USD 130 million. The same report said money from Thai gas purchases was funding the acquisition.

A deposit for the purchase came the same week that the state-owned Petroleum Authority of Thailand paid the generals USD 100 million in royalties for gas to be piped from the fields in the Gulf of Martaban; before the payment, the generals had almost depleted their foreign reserves. According to Jane’s Defence Weekly, the Russians were unwilling to sell the aircraft until money began to flow from the gas-field.
More Money = Forced Labor

Increased trade and investment has not significantly decreased forced labor or improved the well-being of the population. Instead, investment and trade fund the regime and while they operate in the absence of enforced labor standards, they also facilitate forced labor.

Prior to their withdrawal from Burma in January 2002, Triumph International’s factory was located on military-owned land, which was upgraded with forced labor, including child labor.107

In 1996, the Burmese location of the British American Tobacco (BAT) company was also upgraded by the military using child labor. It was estimated that, given their rate of pay, BAT employees would have to work 24 hours overtime per week to earn sufficient to feed their families, but not to meet any other living costs.108

Money Laundering

A major factor maintaining the Burmese economy is money laundering from the drug trade. Drug money finances virtually every major infrastructure project and joint project in Burma. Given this link, the regime has a very real interest in maintaining the trade and drug traffickers are therefore actively courted by the SPDC as businessmen and investors. Moreover, they represent some of the most prominent business tycoons in Rangoon.109 Two banks in particular, the Asia Wealth Bank and the Myanmar Mayflower are notorious for having links to narcotics trafficking organizations throughout Southeast Asia.110

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110 US State Department (March 04) International Narcotics Control Strategy Report
ETRNIC DIVERSITY: NO BARRIER TO UNITY

The ethnic nationalities are widely united in their aspirations for democracy and unity. United in the aims of the wider democratic movement, the ethnic nationalities seek:

- **A role in shaping national politics.** Armed conflict in Burma persists as a result of an institutionalized system that has marginalized and disenfranchised Burma’s ethnic nationalities. Since the 1997 Mae Tha Raw Hta Agreement the ethnic groups have collectively sought a tripartite dialogue between the SPDC, the NLD and the ethnic nationalities as a first step process that engages all of Burma’s people and ensures a constitution that will protect the rights of all communities.

- **A nationwide ceasefire.** It is widely acknowledged that a process of national reconciliation is impossible whilst military offensives, extra-judicial killings, forced relocation, forced labor, displacement and rapes continue against ethnic communities.

- **A Federal Union that allows each State a degree of autonomy, ensures equality between the ethnic nationalities and does not impose particular ethnic customs, languages or traits.**

**The Big Myths**

**MYTH:** The SPDC is holding the country together. Our role is “...to ward off, with national solidarity, the danger of destructionists from inside and outside the nation who are disturbing the State stability, peace, modernization and development.” - Sr Gen. Than Shwe on Union Day, 2002.

**FACT:** The SPDC perpetuates conflict. A government dedicated to peace and unity would not undermine that peace by threatening the safety and security of ethnic populations. Despite its ‘ceasefires’ with ethnic opposition groups, the SPDC has continued military offensives, forced relocation, forced labor, rape and extra-judicial killings against the ethnic populations.

A government seeking unity would not divide and isolate ethnic groups. In the past, the DDSI111 and local Tatmadaw commanders have engineered splits within large ethnic opposition groups, signing separate agreements with splinter movements to bring more pressure on large groups to cease fighting. These splinter forces are often designated as Pyithu Sit (People’s Militias) and staffed by forced village patrol duty monitored by the Tatmadaw.112

*Harn Yawnghwe (8 Dec 01) The Non-Burman Ethnic Peoples Of Burma*
FACT: The military exaggerates ethnic differences in an attempt to legitimize military rule. The Burmese are a single racial grouping, and can be divided into three main subgroups: Tibeto-Burman, Sino-Thai and Mon-Khmer. The SPDC refers to people who speak different dialects of the same language as being from different ‘races’: this is an exaggerated claim.

Burma’s main non-Burman ethnic nationalities are the Arakan, Chin, Kachin, Shan, Karenni, Karen, Mon and Rohingya who constitute 40% of the population and inhabit 55% of the land area. They are not a minority, but significant actors in Burma’s political sphere: any political development must therefore engage the ethnic nationalities.

FACT: Diverse ethno-linguistic groups are no justification for military rule. The United States has 287 peoples groups; Australia has 188; India has at least 1,000 and Thailand has 94.

Central Politics

Since 1962, the military has excluded ethnic nationalities from Burma’s political process. The monolithic military is largely dominated by ethnic Burmans, and national schooling and religion have also been ‘Burman-ized’ by the junta, leaving little room for ethnic populations in the political sphere.

The generals’ emphasis on maintaining a centralized state has also skewed the political system away from local ethnic participation. State and Division Councils are headed by centrally appointed military commanders. While ‘Local’ Peace and Development Councils’ purportedly have ‘elected’ representatives, these positions are little more than a mouthpiece for the junta, and councilors are subservient to the SPDC. De-centralized administrative powers are limited, giving ethnic populations little control over their own areas. In 1997, ethnic groups, including ceasefire groups, issued the Mae Tha Raw Hta Agreement affirming their support for tripartite dialogue as a necessary step to including the ethnic groups in Burma’s political future.

Ceasefires

Throughout the 1990s the regime undertook initiatives to form ceasefires with various armed ethnic forces to bring them ‘into the legal fold.’ The process has complicated ethnic politics in Burma, mixing politics and business interests without prospect of an enduring peace agreement.

The process began with the breakup of the Communist Party of Burma (CPB) in 1989, when the regime sought to prevent the communists reforming into other anti-government groupings. [see list below for ceasefires]

The ceasefire groups were able to retain their weapons, organization and full control over agreed territory. They were also allowed to engage in any form of business activity, though a preference for military controlled companies has emerged. The other conditions were that the groups were no longer to target government forces, that they were to remain inside agreed areas and not move into government held areas without government permission; they were to withdraw from multilateral resistance organizations and they were forbidden to maintain contact with other armed groups still fighting the government.

The ceasefires are problematic for a number of reasons. First, they do not necessarily protect the ethnic minority populations. The KNPP ceasefire in 1995 broke down soon after its formulation when the regime began forcibly relocating Karenni people and burning down villages. Second, they enable the military to focus their efforts against other armed ethnic groups with greater military advantage. Third, they enable the SPDC a certain degree of legitimacy for bringing ‘peace’ to the country; however, the ceasefires in themselves are not peace agreements, and nor have they led to political settlements. What are needed are an SPDC-declared national ceasefire and the commencement of dialogue to achieve a political settlement.

Continued Military Abuses

Despite a National Convention that purports to engage ethnic nationalities, the SPDC continues to abuse the rights of ethnic populations.

In 2004 alone, there have been SPDC offensives in Mon, Karen, Karenni and Shan State, even whilst the junta purportedly holds ‘ceasefires’ in Karenni, Karen and Mon States as well as part of Shan State. Exiled Mon groups have reported that the incidence of forced labour in Mon State has drastically risen since the New Mon State Party cease-fire agreement in 1995. Numerous women’s groups have documented cases of rape by SPDC military soldiers in against ethnic women in areas of conflict. Recent reports have suggested the Burma Army is also expanding its military bases in ethnic areas.

There are also reports of ethnic abuses continuing outside conflict areas. Sources in Arakan State report increasing numbers of forced labor cases in recent months. Most of these cases of forced labor and human rights abuses involve economic development projects such as energy pipelines and infrastructure development. [see Abuses Against Ethnic Nationalities Briefing]
Ethnic Solidarity

Despite the diversity of Burma’s ethnic nationalities, there is substantive cooperation and solidarity between the national races. Ethnic organizations inside and outside Burma have worked together to offer a united front against the military government. This partnership is multi-layered, with grassroots cooperation accompanying similar collaboration from upper level leadership in the ethnic groups. Groups such as the National Democratic Front (NDF), the Democratic Alliance of Burma and the Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC) have forged alongside grassroots women’s and youth movement organizations such as the Women’s League of Burma and the National Youth Congress of Burma to offer an integrated and collaborative approach to national reconciliation.

For example:

In 1999, the National Reconciliation Program (NRP) was established by ethnic and democracy leaders. It was formed as a co-ordination body for activities on national reconciliation. The NRP’s activities are implemented by a facilitation team, which is comprised of ethnic and Burman leaders from the democracy movement.

Their tasks include:

- Explaining how disagreements can be resolved by dialogue and negotiations.
- Encouraging groups to engage in a dialogue with dissidents within their own group.
- Encouraging the various groups to engage in a dialogue with other ethnic groups to get a better understanding of differences and areas of mutual interest.
- Assessing what technical input - conflict resolution, capacity building and legal expertise are needed to facilitate the dialogue and negotiations.
- Linking available resources from donors with needs in the field.

The Ethnic Nationalities Solidarity and Cooperation Committee (ENSCC) has also been established on the grounds that Burma’s ethnic nationalities have a responsibility to help resolve the crisis in Burma and rebuild the nation. The ENSCC is the direct product of the National Reconciliation Program (NRP), and its ultimate goal is to ensure that a ‘tripartite dialogue’ takes place by co-ordinating the efforts of the ethnic nationalities and their organizations.

It co-ordinates the work of the National Democratic Front (NDF), the United Nationalities League for Democracy-Liberated Area (UNLD-LA) and ceasefire groups. The ENSCC has been entrusted with the task of fostering unity and cooperation between all ethnic nationalities and has undertaken to: pursue tripartite dialogue between the NLD, SPDC and ethnic nationalities; consult widely with all stakeholders in Burma and the international community in order to resolve the humanitarian problems affecting the ethnic nationality populations; and strive to facilitate democratic transition through the spirit of Panglong.

In recent years, the National Council for the Union of Burma (NCUB), an umbrella organization of pro-democracy and ethnic organizations, has also brought ethnic minorities together to collectively draft a Constitution for a future federal union of Burma.

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111 Directorate of Defence Services Intelligence, the SPDC’s military arm, headed by former PM Gen Khin Nyunt
112 FEER (1991) Spiking the guns
113 The Joshua Project http://www.joshuaproject.net
116 Mon Forum (Jun 03) Special Report: Forced Labour in Southern Burma (Myanmar)
117 See, for example, SWAN (2002) Licence to Rape and KWO (2004) Shattering Silences
118 DVB (7 Oct 04) Burma army prose to dismantle ceasefire groups
119 Asia Tribune (14 Feb 04) Cheers, jeers over giant gas find
# Ceasefire Status of Ethnic Opposition Groups

<table>
<thead>
<tr>
<th>Group</th>
<th>Leaders</th>
<th>Ceasefire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arakan Liberation Party (ALP)</td>
<td>Khine Ye Khine</td>
<td>-</td>
</tr>
<tr>
<td>Chin National Front (CNF)</td>
<td>Thomas Thangnou</td>
<td>-</td>
</tr>
<tr>
<td>Communist Party of Burma (CPB-Arakan State)</td>
<td>Saw Tun Oo</td>
<td>1997</td>
</tr>
<tr>
<td>Democratic Karen Buddhist Army (DKBA)</td>
<td>U Thuzana &amp; Kyaw Than</td>
<td>12/1994</td>
</tr>
<tr>
<td>Gods Army (Kersay Doh)</td>
<td>Johnny &amp; Luther Htoo</td>
<td><em>not active</em></td>
</tr>
<tr>
<td>Kachin Defence Army (KDA)</td>
<td>Mahtu Naw</td>
<td>13/1/1991</td>
</tr>
<tr>
<td>Kachin Independence Organisation (KIO)</td>
<td>Lamung Tu Jai</td>
<td>1/10/1993</td>
</tr>
<tr>
<td>Karen National Union (KNU)</td>
<td>Saw Ba Thin Sein</td>
<td>temporary</td>
</tr>
<tr>
<td>Karen Peace Force</td>
<td>Saw Tha Mu Hei</td>
<td>24/2/1997</td>
</tr>
<tr>
<td>Karenni National Defence Army (KNDA)</td>
<td>Zaw Hia &amp; Lee Reh</td>
<td>1996</td>
</tr>
<tr>
<td>Karenni National People’s Liberation Front (KNPLF)</td>
<td>San Tha &amp; Tun Kyaw</td>
<td>1994</td>
</tr>
<tr>
<td>Karenni National Progressive Party (KNPP)</td>
<td>Hte Bueh</td>
<td>1995</td>
</tr>
<tr>
<td>Kayan National Guard (KNG)</td>
<td>Gabriel Byan &amp; Htay Ko</td>
<td>27/2/1992</td>
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<tr>
<td>KNU Special Region group (Toungoo)</td>
<td>Saw Farrey Moe</td>
<td>8/11/1997</td>
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<tr>
<td>Lahu National Organization (LNO)</td>
<td>Paya Ja Oo</td>
<td>-</td>
</tr>
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<td>Mergui-Tavoy United Front</td>
<td>Saw Han</td>
<td>-</td>
</tr>
<tr>
<td>Mon Army, Mergui District (MAMD)</td>
<td>Ong Suik Heang</td>
<td>1997</td>
</tr>
<tr>
<td>Mong Tai Army</td>
<td>Khun Sa</td>
<td>2/1/1996</td>
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<tr>
<td>Myanmar National Democracy Alliance Army (MNDAA-Kokang)</td>
<td>Phone Kyar Shin</td>
<td>21/3/1989</td>
</tr>
<tr>
<td>National Democratic Alliance Army (NDAA-east Shan State)</td>
<td>Sai Lin (Lin Ming-xian)</td>
<td>1989</td>
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<td>National Socialist Council of Nagaland (NSCN)</td>
<td>Khablang</td>
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<td>NSCN East</td>
<td>Isaac &amp; Muivah</td>
<td>-</td>
</tr>
<tr>
<td>National United Party of Arakan (NUPA)</td>
<td>Shwe Tha</td>
<td>-</td>
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<td>New Democratic Army (Kachin) (NDA-K)</td>
<td>Sakhone Ting Ying</td>
<td>15/12/1989</td>
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<td>New Mon State Party (NMSP)</td>
<td>Nai Shwe Kyin</td>
<td>29/6/1995</td>
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<td>Rakhine State All National Races Solidarity Party</td>
<td>Saw Tun Oo</td>
<td>24/2/1997</td>
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<tr>
<td>Rohingya National Alliance (RNA)</td>
<td>Nural Islam, Dr Yunnus</td>
<td>-</td>
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<tr>
<td>Shan State Army (SSA) (aka SSA-South)</td>
<td>Yord Serk</td>
<td>-</td>
</tr>
<tr>
<td>Shan State National Army (SSNA) (aka SSA-Central)</td>
<td>Karn Yawd</td>
<td>1995</td>
</tr>
<tr>
<td>Shan State Nationalities Liberation Organisation (SSNLO)</td>
<td>Tha Kalei</td>
<td>9/10/1994</td>
</tr>
<tr>
<td>United Wa State Army (UWSA)</td>
<td>Pao Yuchang</td>
<td>9/5/1989</td>
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<tr>
<td>Vigorous Burmese Student Warriors (VBSW)</td>
<td>Kyaw Ni ‘Johnny’</td>
<td>-</td>
</tr>
<tr>
<td>Wa National Organization (WNO)</td>
<td>Maha San</td>
<td>-</td>
</tr>
</tbody>
</table>

* ceasefire brokedown
FEDERALISM & THE UNION OF BURMA

Burma Today

Despite formally being a Union, Burma retains a centralized structure controlled by the SPDC. Administratively, it is divided into seven states and seven divisions. Each of the 14 regions is controlled by a State Peace and Development Committee, which is chaired by a SPDC-appointed, predominantly Burman, military commander. There are 320 townships under the state and division administration. The lowest administrative level is a village tract, which is usually made up of three or four villages. Villages are represented by a Local Peace and Development Council, which is made up of three locally ‘elected’ members, who are unpaid, and one clerk, who is paid, appointed by the township. These local administrative structures are directly accountable to their District and State Councils, who in turn report to the central SPDC. The Local Peace and Development Councils also answer to the armed forces; many reports cite examples of Commanders demanding land and labor from the LPDCs.

A United Stance on a Federal Burma

The notion of a Federal Union is not new to Burma, but has been an enduring political concept since the Burmese independence began.

The 1947 Panglong Agreement, an agreement signed by Shan, Kachin, Chin leaders and representatives from the Executive Council of the Governor of Burma, formed a Federal Union of Burma. The Agreement stated that the Governors Executive Council (central authority) would not deprive the regional areas of the autonomy they already enjoyed: “full autonomy in internal administration for the Frontier Areas is accepted in principle.” Moreover, ethnic representatives themselves were given executive authority over the ‘Frontier Areas.’

Ethnic Nationalities and the Burmese pro-democracy movement have reaffirmed their support for federalism through several initiatives:

- The 1992 Mannerplaw Agreement, which was passed by the National Coalition for the Union of Burma (NCUB), an umbrella organization for Burman and non-Burman democratic parties, identifies a Federal Union as its aim.
- In 1992 the Democratic Alliance of Burma produced a federal constitution of Burma, which was based on recommendations from its constituent groups who represent both Burman and non-Burman ethnic nationality groups.
- A very public example of collective support for federalism was the 1997 Mae Tha Raw Hta Agreement, when 17 ethnic groups expressed support for a federal union.
- In 2002, the ‘New Panglong Initiative’ reaffirmed collaborative support for the sentiments of the original Panglong Agreement.
- In January 2004, the Ethnic Nationalities Solidarity and Cooperation Committee released a seven-step ‘roadmap’ to a federal Burma.

“With a genuine federal union, I believe we will definitely be able to achieve unity and reconciliation.” ~ U Aye Tha Aung, Secretary of the Committee Representing the People’s Parliament, 2000

While the SPDC consistently argues that a centralized, military-dominated state is necessary to ‘maintain the integrity of the Union,’ these claims ignore the fact that opposition forces are united in their goal of a Federal Union.

Ethnic resistance to the Rangoon regime has persisted in response to the continued mistreatment and disenfranchisement of ethnic populations under the military government. The SPDC does not act as a bulwark against disintegration, but rather prohibits a united Burma.

The National League for Democracy, Daw Aung San Suu Kyi and ethnic nationality leaders are all committed to the practical implementation of a Federal Union.

“We think that to be a true and lasting [future Burma] union it would have to be of a federalist nature.” ~ Daw Aung San Suu Kyi, interview with the Irawaddy, May 2002.
Furthermore, during the current National Convention 13 ceasefire groups submitted a joint proposal calling for a federal union. While this was rejected by the SPDC, it is indicative of continued support from the ethnic nationalities for federalism.

**Secession Renounced**

Prior to British Colonialism, the area now known as Burma was a number of independent kingdoms. The post-colonial implementation of a centralized state, with its attendant marginalization of ethnic minorities, made secession desirable for many of the ethnic peoples. The Panglong Agreement itself is evidence that ethnic leaders were not involved in the central political sphere: Aung San met with leaders from the Chin, Kachin and Shan areas, while other ethnic groups such as the Mon or Karen were not represented.129

Calls for secession were a direct result of marginalization that still exists today. Development in the border areas was, and still is, significantly lower than in the central Burma region, and non-Buddhist religious associations often preclude employment in the civil service. Bruce Matthews, a researcher on ethnic politics in Burma said that Christians cannot expect to rise beyond the lowest ranks of the civil service.130 Powerful regional army commanders, even in ethnic areas have always been largely ethnically Burman, giving non-Burmans little political control over their own areas. The notion of secession, therefore, was seen as a strategy to ensure ethnic economic development, political representation and autonomy.

From 1984 onwards, the National Democratic Front, a group that consists of nine ethnic nationality parties, dropped all reference to secession and agreed upon federalism as a common goal. Since then, both individual and collective references to the goal of a Federal Burma illustrate the continuing disregard for succession among the ethnic communities.131

**Existing Efforts for Federalism**

In addition to the 1992 DAB constitution, the Burma Lawyers Council (BLC) has been working with the NCUB to draft a constitution for a future Federal Union. A first draft has been written and circulated among pro-democracy and ethnic organizations and an NCUB drafting committee has also been formed with the Secretary of the BLC as its coordinator.

The BLC has also assisted state constitution drafting committees in writing state constitutions consistent with a Federal Union. In 2000, a number of ethnic organizations, including the Karenni National Progressive Party (KNPP) asked the Burma Lawyers Council to help them in developing their state constitutions, and the BLC has been assisting their efforts since then.
THE 8888 GENERAL STRIKE

The peoples of Burma endured decades of suppression of freedoms and gradual economic deterioration under General Ne Win's "Burmese Way to Socialism". The BSPP's misrule transformed Burma from one of Southeast Asia's richest countries into one of the ten poorest countries in the world. In 1986, the situation was so dire that the dictatorship was compelled to apply for the status of Least Developed Country (LDC).

The wake-up call inspired a brief period of limited economic reforms, however the few resulting benefits were reversed by the sudden demonetization of 20, 50 and 100 kyat bank notes. New notes in denominations of 45 and 90 (multiples of 9 – Ne Win’s lucky number) were introduced. Overnight, entire households were rendered penniless. Students protested but were quelled when universities and colleges were shut.

A teashop brawl in Rangoon on 12 March 1988, in which the instigator was promptly released because his father was a BSPP official, sparked student protests that were violently repressed by the military.

On 16 March, 41 students were left to suffocate to death in a police van after their arrest in a bloody crackdown that became known as the Red Bridge incident. Students continued to protest.

On 23 July BSPP Chairman General Ne Win surprised the country by announcing his resignation. His proposal to hold a nationwide referendum on a transition to multi-party democracy was quickly discarded by the BSPP, a move which further frustrated the population. Ne Win was replaced by police chief Sein Lwin. Dubbed “The Butcher of Rangoon” Sein Lwin became notorious for the bloody suppression of student protests.

It was the final straw. The students called for a national strike to begin at the auspicious time of 8.08AM on 8 August 1988.

For 6 weeks, hundreds of thousands of people from all walks of life peacefully took to the streets of Burma, demanding an elected civilian government and greater freedoms. Outrage at the brutality inflicted on students and resentment over the regime’s economic mismanagement spurred the population to political action.

On 26 August 1988, half a million people attended Daw Aung San Suu Kyi’s first public talk at the Shwedagon Pagoda, where she instantly became a leader of the nascent pro-democracy movement.

The military continued to massacre thousands of unarmed protestors – estimates vary but most researchers agree that up to 10,000 people were killed during the 6-week period of the 8888 general strike across the country.

The 8888 continues to be significant to the Burma pro-democracy movement. The murder of so many students, revered and loved because of their role in modern Burmese politics, constitutes a low point in the country’s recent history.

The leaders and activists that emerged during 8888 went on to build alliances with new partners in the struggle, most notably the ethnic resistance groups who had been battling the army for decades. Ironically, the military’s brutal suppression of 8888 gave birth to an international movement that has grown in strength over the years.

Sources:
Christine Fink (2001), Living Silence: Burma under Military Rule
Jan Donkers & Minka Nijhuis (Eds) (1996) Burma Behind the Mask
THE 1990 GENERAL ELECTIONS IN BURMA

Background

Following nationwide nonviolent pro-democracy demonstrations in 1988, the Burma Army staged a coup on 18 September, formed the State Law and Order Restoration Council (SLORC) and ruled the country by martial law. In its first announcement the SLORC proclaimed its task was to stage democratic multiparty general elections once law and order was restored.132

By early 1989, 234 parties had been lawfully established under the Political Parties Registration Law 4/88, including the SLORC-sponsored National Unity Party (NUP), and the National League for Democracy (NLD), led by Daw Aung San Suu Kyi.

On 31 May 1989 SLORC enacted Law No. 14/89, the Pyithu Hluttaw Election Law, clearly stating that free and fair multi-party elections were to be held to “elect the representatives of the Pyithu Hluttaw”, or People's Assembly.133 This law clearly states that Parliament would be convened after recognizing the election results.

The SLORC exercised strict control on freedom of expression and assembly during the election campaign. On 20 July 1989 Daw Aung San Suu Kyi and U Tin Oo, General Secretary and Chairman of the NLD respectively, were put under house arrest and prohibited from contesting in the election. Under martial law public gatherings of more than 5 people were banned. Speeches and written materials had to be submitted in advance for approval, and only censored versions were allowed for publication.134

Election Results

The election, considered free and fair, was contested by 2,380 candidates and 93 political parties. The voter turn-out rate was 72%. Refusing to hand over power and to convene the Pyithu Hluttaw, the SLORC issued Order 1/90 on 27 July 1990, declaring that it would exercise power until the elected representatives drafted a new constitution. The SLORC falsely claimed that this was the “desire of the majority of the political parties which contested in [sic] the Multi-Party Democracy General Election”. The SLORC also said it would not accept a government ruling under an interim constitution.135

“To ignore the result of the 1990 elections is to have total disrespect for the people and is also an insult to the people... During my travels I have seen what the people have suffered because of the lack of democracy... We are prepared to speedily set in motion a meaningful political dialogue.” - Daw Aung San Suu Kyi, on the 13th anniversary of the elections

On 27 May 1990 the people of Burma clearly expressed their desire for democracy by electing members of a Pyithu Hluttaw, a People’s Assembly, in an election that was domestically and internationally regarded as free and fair.

The National League for Democracy (NLD), co-founded by Daw Aung San Suu Kyi, won 80.8 % of the parliamentary seats. The military-backed National Unity Party (NUP) won only 2% of the seats.

Distribution of Seats Won in the 1990 Elections136

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats Won (total 485)</th>
<th>% of Seats Won</th>
</tr>
</thead>
<tbody>
<tr>
<td>National League for Democracy (NLD)</td>
<td>392</td>
<td>80.8</td>
</tr>
<tr>
<td>Shan Nationalities League for Democracy (SNLD)*</td>
<td>23</td>
<td>4.7</td>
</tr>
<tr>
<td>Arakan League for Democracy (ALD)*</td>
<td>11</td>
<td>2.3</td>
</tr>
<tr>
<td>National Unity Party (NUP)</td>
<td>10</td>
<td>2.1</td>
</tr>
<tr>
<td>Other parties (23) and independents</td>
<td>49</td>
<td>10.1</td>
</tr>
</tbody>
</table>

* The SNLD, the ALD and 6 other political parties, 5 of which also participated in the 1990 election, formed the United Nationalities Alliance (UNA) in 2001. Together the UNA parties won 49 of the 485 seats in the parliamentary elections, or 10.1% of the seats. Both the NLD and UNA, together representing 90.9% of democratically elected representatives, are currently boycotting the National Convention.
Crackdowns

**Gandhi Hall Declaration:** Elected NLD members nevertheless met in Gandhi Hall in Rangoon on 28-29 July 1990 to adopt a provisional constitution, in order to allow for transfer of power and the convening of the Pyithu Hluttaw. This constitution was based on the original 1947 constitution, but excluded clauses pertaining to ethnic nationalities, in order to allow for thorough consultations.\(^{137}\)

In response, the SLORC launched a campaign of repression against elected Members of Parliament (MPs). On 9 December 1990 the NLD was forced to agree to follow Declaration 1/90.

Some key actions against convening of Parliament:

1990 – 92: A total of 83 political parties that contested in the elections were banned, with only 10 (including the NLD) remaining legal.

66 MPs were dismissed by the election commission under an amended election law, for “offenses” such as discussing the formation of an interim government.

1996 – 98: 45 MPs were forced to resign under a variety of threats by the authorities, such as land confiscation, and bans from education opportunities and the right to enter the monkhood.\(^{138}\)

Sep ’98: At least 200 NLD MPs, representing 41.23% of all elected representatives, and 800 party members were arrested following the formation of a Committee Representing the People’s Parliament (CRPP) as part of renewed efforts to convene Parliament.\(^{139}\)

Scores of MPs have been detained over the past 14 years, with many being subjected to multiple instances of arbitrary detention.

As of September 2004, 15 elected MPs remain in prison. Three MPs died while in detention, and three others died soon after their release.\(^{140}\)

**Government in Exile**

Several elected MPs fled repression inside Burma and formed a government in exile, the National Coalition Government of the Union of Burma (NCGUB). The NCGUB was created in December 1990 to advocate for the implementation of the 1990 election and the restoration of democracy in Burma.

The military regime refused to transfer power, and launched a massive campaign of repression against the NLD and other political parties, detaining and dismissing MPs, and forcing others to resign.

In one such crackdown, the regime arrested at least 200 NLD MPs and 800 party members following renewed efforts to convene Parliament in September 1998.\(^*\)

15 elected MPs remain in prison. Three MPs died while in detention, and three others died soon after their release.

Reneging on their pre-election commitment to transfer power, the junta claimed the MPs were only elected to draft a new constitution: a democratic government would be formed only after a referendum was held to approve a new constitution. The constitution-drafting process drags on despite lacking supports and credibility.

Genuine tripartite dialogue between the military regime, the NLD and ethnic nationality groups must be the first step towards national reconciliation and democratization. The election results must be acknowledged and implemented.

While some observers argue that it is too late to implement the 1990 election results, it is clear that a strategy must be developed to acknowledge the people’s vote before fresh elections can be held.

\(^*\) For details see Altsean-Burma (May 200) Ten Years On – A Parliament Denied, and New Light of Myanmar (23 Nov 98) Current Situation on NLD’s taking of confrontational course and its attempts to forcibly convene Hluttaw clarified.
**International Response**

Since 1992 the United Nations General Assembly (UNGA) has unanimously called for the implementation of the results of the 1990 elections.

The latest UNGA resolution, adopted on 1 December 2003, urged the “Government of Myanmar” to “restore democracy and respect the results of the 1990 elections”.141

Any plan for genuine National Reconciliation in Burma must include official recognition and implementation of the results of the 1990 elections, along with tripartite dialogue between the military, the NLD and the ethnic nationalities.

**Forbidden to Run in 1990 Elections**

On 20 July 1989 Daw Aung San Suu Kyi and U Tin Oo (then NLD Chairman) were put under house arrest under Article 10(a) of the State Protection Act, which authorizes the detention of people deemed a threat to the sovereignty, security and peace of the State.

Nevertheless Daw Aung San Suu Kyi submitted papers to contest in Bahan 1 Township (Rangoon) “to honour the courage and perseverance of the people who are striving for democracy; and from a desire to help fulfil the just aspirations of the people to the best of my ability.”142

However the Election Commission rejected her candidacy, alleging she had had contact with armed organizations. The NLD did not select another candidate, in protest against the Commission’s decision. U Htun Hlaing from the Democracy Party ran and won the seat.143

Likewise, U Tin Oo’s nomination papers were refused.

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132 Announcement No. 1/88 of the State Law and Order Restoration Council, 18 September 1988 (Online: www.ibiblio.org/obl/docs/Announcement_1-88.htm)
133 Pyithu Hluttaw Election Law, available online: www.ibiblio.org/obl/docs/pyithu_hluttaw_election_law.htm
134 All Burma Students’ Democratic Front (Jun 1998) To Stand And Be Counted: The Suppression of Burma’s Members of Parliament
135 SLORC Declaration 1/90 available online: www.ibiblio.org/obl/docs/Declaration_1-90.htm
136 1990 Multi-Party Democracy General Election (1 Feb 03) available online: www.ibiblio.org/obl/docs/1990_elections.htm
138 All Burma Students’ Democratic Front (Jun 1998) To Stand And Be Counted: The Suppression of Burma’s Members of Parliament
139 For details see Alitsean-Burma (May 200) Ten Years On – A Parliament Denied, and New Light of Myanmar (23 Nov 98) Current Situation on NLD’s taking of confrontational course and its attempts to forcibly convene Hluttaw clarified.
140 NCGUB (10 Jun 04) Summary and Situation of Members of Parliament in Burma 1990 general elections as of 10 May 2004
141 UN General Assembly A/C.3/58/L.68/Rev.1 (18 Nov 04) Situation of human rights in Myanmar
142 Daw Aung San Suu Kyi, The Agreement to Stand for Election, in Freedom from Fear
143 All Burma Students’ Democratic Front (Jun 98) To Stand And Be Counted: The Suppression of Burma’s Members of Parliament
THE DEPAYIN MASSACRE

Harassment of NLD Increases as Party Receives Warm Welcome Across Burma

Daw Aung San Suu Kyi was released from 19 months of house arrest on 6 May 2002. For the first time in 13 years, the Nobel Laureate was allowed freedom of movement to travel around the country.

She travelled to a total of around 135 townships in 11 states and divisions outside Rangoon in just over a 12-month period. The trips and itineraries were formally approved by the State Peace and Development Council (SPDC – the name of the military regime since 1997) and the Election Commission. Her last trip, which started on 6 May 2003 and was terminated dramatically on 30 May, was to Mandalay and Sagaing Divisions, and Kachin and Shan States.

Crowds of up to 40,000 have been reported to turn out to support Daw Aung San Suu Kyi and the NLD team on their tours of the country.

Daw Aung San Suu Kyi urged the people in her speeches to work for democracy. “The rule of law means a system that provides security for the country and the people where everybody is equally protected within the framework of the law. But we must try hard to obtain democracy. Remember, nothing is free and nothing is easy. Democracy is not only your rights but there is also responsibility. Economics and politics are inseparable. A bad political system contributes to a bad economic system.”

Throughout the tours the NLD faced an escalating harassment campaign coordinated by the Union Solidarity Development Association (USDA) and the local authorities. In several instances the NLD was prohibited from erecting party signs, and citizens were intimidated by the authorities not to go out and greet the NLD convoy. The USDA also bribed or conscripted people to attend anti-NLD demonstrations under threat of forced labor. On some occasions the USDA would put up road blocks to prevent the NLD from following its planned itinerary.

In the days leading up to the Depayin Massacre the USDA campaign became increasingly aggressive. Anti-NLD protestors were seen wielding weapons such as knives, slingshots, and sharpened bamboo sticks. On May 25 a NLD supporter was reportedly injured, and a brick was thrown on Daw Aung San Suu Kyi’s car.

On Friday 30 May 2003 a military-sponsored mob of up to 5,000 people attacked Daw Aung San Suu Kyi and supporters of the National League for Democracy at Depayin, during a tour of the party in northern Burma. This attack is known as the Depayin Massacre or Black Friday.

Most conservative estimates of NLD members and supporters that were arrested, killed, wounded and missing on 30 May 2003 indicate a number of more than 100. Another report says that as many as 282 people were killed that night in Depayin.

PREMEDITATED: The Depayin Massacre was essentially an assassination attempt on the Nobel Laureate and members of her party, planned by the military regime.

The attack was coordinated and executed by a regime-sponsored civilian organization, the Union Solidarity Development Organization (USDA), in cooperation with local authorities.

The Depayin Massacre and the ensuing crackdown have been the most ruthless and bloodiest attack on the democracy movement in Burma since the 1988 crackdown on nationwide demonstrations.

This brutal attack was the regime’s response to the unwavering support shown to the NLD during Daw Aung San Suu Kyi’s numerous trips throughout the country, following her release from 19 months of house arrest in May 2002.

Local authorities did not intervene to protect the NLD convoy and the local supporters greeting Daw Aung San Suu Kyi. Local police helped USDA to block NLD motorcades. The NLD repeatedly accused the SPDC of collusion with the USDA, and the authorities did not respond to these allegations. The USDA was allowed to operate in a climate of impunity.
Black Friday: A Narrative of Events

On the night of 30 May 2003 the NLD was set to travel from the village of Budalin to the town of Depayin in Sagaing Division, northern Burma. Before their departure from Budalin the NLD members noticed contingents of monks and USDA members on the side of the road waiting for them.

At around 8 pm the NLD convoy arrived at the village of Kyi, just 3 km from Depayin. They were warmly welcomed by the local population of about 500-1,000 villagers. It was at a bend in the road just on the outskirts of Kyi village that the NLD convoy was blocked by two monks, or people dressed as monks, who asked Daw Aung San Suu Kyi to give a speech. The motorcade came to a halt, and in a coordinated response, about 1,000 anti-NLD protestors who had followed the convoy from Budalin came out of their vehicles and started shouting abusive slogans at the NLD members.149

They then started attacking both the NLD members and the villagers who had come to greet the Nobel Laureate. An additional 4,000 anti-NLD protestors were also waiting on both sides of the road ahead of the motorcade, and emerged to charge the villagers and NLD supporters who were fleeing the initial attack. The wounded were robbed and women were stripped of their clothing. Trucks and barricades were put in place to prevent NLD vehicles from escaping.150 The violence lasted for over one hour.

Daw Aung San Suu Kyi’s car was able to escape the site of the attack, but was later stopped at the entrance of a town beyond Depayin.

Source: The Ad hoc Commission on Depayin Massacre (Burma) (May 04) The Second Preliminary Report

The Depayin Massacre is a blow to ASEAN’s efforts to constructively engage the regime and UN Special Envoy Razali Ismail’s efforts to promote dialogue.

Blaming the NLD for the events of 30 May, the regime closed the offices of the party nationwide. A total of 256 people were arrested in relation to Depayin Massacre, on the day of the event and the subsequent months. 107 of them remained in detention as of September 2004.

International pressure following the Depayin Massacre prompted the regime to unveil a seven-step roadmap to democracy in August 2003.

An independent investigation and tribunal into the events of 30 May 2003 is urgently needed.

The Dead, the Wounded, the Arrested, and the Missing

On 31 May the SPDC held a press conference and reported that 4 people “died in the car crash” and 50 people were injured during the unrest of 30 May caused by the NLD.151 NLD Vice Chairman U Tin Oo, Daw Aung San Suu Kyi and other NLD members were taken into “protective custody […] for the sake of national security”.152

However several independent sources revealed a far more dramatic picture in the days that followed. On 1 June the NCGUB, the government-in-exile, reported that an estimated 70 people were killed and 200 injured.153

On 5 June two US Embassy staff returned from a visit to the scene of the attack. They found signs of ‘great violence’ and found considerable debris along the road, including numerous pieces of torn and bloody clothing, numerous weapons, and smashed headlights and mirrors. They believed the attack was premeditated, stating “Clearly, orders were given for a violent attack” and that the weapons were “clearly prepared before the fact.” They believed far more people may have died than the SPDC reported.154

Special Rapporteur Sergio Pinheiro’s 5 August 2003 report to the UN General Assembly conservatively estimated that “more than 100 NLD members and
supporters, among them elected members of Parliament, monks and students, were arrested, killed, wounded and missing” in the events of 30 May. In his report dated 5 Jan 2004 the Special Rapporteur said there “were between 50 and 70 people lying on the road, either injured or dead” after the attack.

In May 2004 the National Coalition Government of the Union of Burma (NCGUB) said it had evidence that 282 people were killed on 30 May. The source was a leaked military regime report.

According to the NCGUB 124 people were arrested on 30 May 2003 alone in connection with the events at Depayin. As of September 2004, 57 of them are still in detention, including Daw Aung San Suu Kyi and U Tin Oo. (See Summary of Arrest/Release/Detentions)

In the absence of an independent investigation into the events of 30 May it remains impossible to establish the definitive number of victims.

**A Premeditated Assassination Bid**

It didn’t take the junta 24 hours to lay blame for the events on the NLD and Daw Aung San Suu Kyi. On 31 May the junta held a press conference and declared that: “members of National League for Democracy including U Tin Oo led by Daw Suu Kyi toured some towns and villages where peace and tranquillity [sic] prevailed and incited unrest with the crowd of the people, and due to their acts, there occurred a traffic jam and instability. Therefore, people who opposed Daw Suu Kyi and NLD staged protests. Then, clashes between those in support of Daw Suu Kyi and those opposed to her broke out.”

However it quickly became clear that the military regime had carefully planned and executed the attack on the NLD. In a report to the UN Commission on Human Rights, Special Rapporteur Sergio Pinheiro said that “there is prima facie evidence that the Depayin incident could not have happened without the connivance of State agents”. Several elements point to the premeditated and regime-sponsored nature of the event:

- On 24 May the War Office in Rangoon issued a directive putting all armed organizations in the country on a state of emergency.
- On 29 May Lt Gen Soe Win led a closed door meeting with Saw Htun, the Director-in-Charge of the USDA; Khin Ye, the Chief Inspector of Burma’s Police Force; Col Tin Hlaing, Minister for Home Affairs; and Brig Gen Soe Naing, the commander of the Northwest Regional Command. Brig Gen Kyaw Hsan, a secretariat member of the USDA and SPDC’s Minister of Information was in Sagaing Division in the third week of May.
- Before his promotion in Sept 2002, Lt Gen Soe Win was the Commander of the Northwest Command in Sagaing Division. He is a member of the USDA’s Panel of Patrons. In the months prior to the Depayin Massacre Soe Win toured Sagaing, Pegu, and Irrawaddy Divisions to rally USDA members and incite violence against the NLD. [On 19 October 2004 Soe Win was promoted to the post of Prime Minister, replacing Gen Khin Nyunt – See reshuffle]
- The mob members were recruited and conscripted by the USDA in Shwebo and...
Monywa Districts, using bribes and threats. In the days prior to 30 May the recruits were trained in local high schools. The USDA-trained attackers were mobilized and brought in by local buses chartered by the USDA.165

- On 30 May all phone lines were cut in Budalin, to prevent the NLD from calling for help and transmitting information about the event.166
- Local monasteries were specifically advised in advance by local officials not to welcome the NLD and not to assist its members and supporters, even in case of emergency.167
- Before their departure from Budalin in the evening of 30 May, the NLD had sent a security advance team to check the road ahead, but they did not return. The NLD later learned that the scouts were arrested and detained to prevent them from reporting the presence of three barricades of barb wire and 30 riot police in full gear on the road waiting for the NLD convoy.168
- The anti-NLD protesters were wearing white armbands to clearly distinguish them from the NLD convoy and the local supporters.169

In the weeks following the attack Senior General Than Shwe, chairman of the SPDC, admitted in a letter to an Asian diplomat that the arrest of Daw Aung San Suu Kyi had been premeditated. He said the regime was “compelled to take firm measures to prevent the country from sliding down the road to anarchy and disintegration.” The general added that the SPDC acted in the interest of national security because the NLD was “conspiring to create an anarchic situation…with a view of attaining power” by June 19, Daw Aung San Suu Kyi’s birthday.170

**Consequences of Depayin Massacre**

The Depayin Massacre represents the largest regime-sponsored aggression against the NLD, and indeed all opposition groups, since the violent crackdown against the nationwide pro-democracy demonstrations of 1988.171

The Depayin Massacre marked the beginning of a nationwide crackdown on the NLD and the pro-democracy opposition. Approximately 132 additional people were arrested in connection with this event in the following months.172 The offices of the NLD were closed nationwide, and remain closed as of September 2004. The only exception was the reopening of the party’s headquarters in Rangoon in April 2004.

In January 2004 the regime claimed that it had released 151 prisoners detained in relation to Depayin.173 However according to the NCGUB 149 were released and another 107 continue to be detained, including Daw Aung San Suu Kyi and U Tin Oo.174

**Arrests, Releases & Detentions**175

NLD members continue to be sentenced to long prison terms in relation to the events at Depayin. On 9 April 2004 11 NLD members arrested in relation to the events at Depayin were sentenced to prison with terms ranging from 7 to 22 years, for alleged contact with illegal organizations. The trial was held inside a prison in Mandalay Division, and the accused had no access to legal counsel.176

On 22 August 2004, two NLD members from Singu Township, Mandalay Division, were sentenced to seven years imprisonment for allegedly throwing stones during the Depayin Massacre 15 months earlier. U Po Too and U Than Lone were initially arrested following the Depayin Massacre along with two other NLD members, U Sein Tun and U San Oo Maung. The latter two were initially sentenced to long prison terms, while the former two escaped. But earlier in 2004 U Sein Tun and U San Oo Maung were released, and U Po Too and U Than Lone left hiding. They were however rearrested on 5 August 2004.177

<table>
<thead>
<tr>
<th>Date</th>
<th>Arrested</th>
<th>Released</th>
<th>Still in Prison</th>
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<tr>
<td>On May 30</td>
<td>124</td>
<td>67</td>
<td>57</td>
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<tr>
<td>After May 30</td>
<td>132</td>
<td>82</td>
<td>50</td>
</tr>
<tr>
<td>Total figures</td>
<td>256</td>
<td>149</td>
<td>107</td>
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“Overall, the 30 May-related developments have constituted a potentially terminal setback on the political front and for that matter for the human rights situation in the country.” ~ Special Rapporteur Paulo Sergio Pinheiro, 5 Aug 2003

The Depayin Massacre represents the largest regime-sponsored aggression against the NLD, and indeed all opposition groups, since the violent crackdown against the nationwide pro-democracy demonstrations of 1988.
A Surge in International Pressure

The Depayin Massacre triggered unprecedented pressure from Burma’s regional allies, as well as other actors in the international community.

UN Special Envoy Razali Ismail said, “Virtually all countries are demanding that she [Daw Aung San Suu Kyi] be released and that her party and the government should go back on track for national reconciliation.” He urged ASEAN members to drop their policy of non-intervention. “ASEAN has to break through the strait-jacket and start dealing with this issue.”

ASEAN took the unprecedented step of urging the regime to “resume its efforts of national reconciliation and dialogue” and release Daw Aung San Suu Kyi. “I don’t see how Myanmar can turn a deaf ear to the appeal of the ASEAN countries,” Razali Ismail said in response.

A Map to Ease International Pressure

Depayin was followed by Buddhist-Muslim riots organized by intelligence authorities to create instability, distract civilians from their anger over Depayin and provide a further excuse not to release Daw Aung San Suu Kyi.

In August 2003 the newly appointed Prime Minister General Khin Nyunt unveiled a “roadmap to democracy”, in an effort to ease pressure from the international community, while continuing to detain Daw Aung San Suu Kyi and other NLD leaders.

The generals also concocted a “roadmap to democracy” to ameliorate international pressure. The roadmap lacked a timeframe and any clear commitment to the participation of key stakeholders.

“As long as those who are responsible for the planning, organizing, directing and execution of the massacre within the junta remain unpunished and unaccounted for, justice for those who were killed, injured, imprisoned or still missing will remain lost.” ~ The Ad hoc Commission on Depayin Massacre - Burma (May 04)

Need for an Independent Investigation

The Burma Lawyers’ Council (BLC) and the National Council of the Union of Burma (NCUB) have established the Ad hoc Commission on the Depayin massacre to collect evidence and establish whether the incident constituted a crime against humanity.

In its Second Preliminary Report published in May 2004, the Commission said that “As long as those who are responsible for the planning, organizing, directing and execution of the massacre within the junta remain unpunished and unaccounted for, justice for those who were killed, injured, imprisoned or still missing will remain lost.”

Other groups, including Amnesty International, have also made more general calls for an impartial, independent investigation into the incident. Allowing an independent inquiry into the attack, and full accounting of all the dead and missing is a crucial step to any reconciliation process.
144 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

145 DVB (1 Jun 03) Suu Kyi Urges Sustained Democracy in Monywa Rally Speech

146 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

147 AP (26 May 03) Myanmar pro-democracy activists sentenced to prison, Suu Kyi's party reports harassment

148 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

149 UN Commission on Human Rights, Sixtieth Session (5 Jan 04) Situation of human rights in Myanmar, Report Submitted by the Special Rapporteur, Paulo Sérgio Pinheiro

150 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

151 New Light of Myanmar (1 Jun 03) Press conference clarifies instigations to cause unrest launched by Daw Suu Kyi of NLD and followers including U Tin Oo

152 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

153 NCGUB News Desk (1 Jun 03) Scores Killed in Junta Attack on NLD Motorcade

154 AP (5 Jun 03) Clash between followers of Myanmar opposition leader, pro-government supporters appears premeditated: U.S. official & Bangkok Post (8 Jun 03) Attack on Burmese Activist Seen as Work of Military

155 UN General Assembly, Fifth-eighth Session (5 Aug 03) Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar

156 UN Commission on Human Rights, Sixtieth Session (5 Jan 04) Situation of human rights in Myanmar, Report submitted by the Special Rapporteur, Paulo Sérgio Pinheiro

157 Radio Free Asia (5 May 04) Burmese Crackdown Said To Have Killed 282

158 NCGUB Information Unit (4 Oct 04) Political Prisoner Summary

159 New Light of Myanmar (1 Jun 03) Press conference clarifies instigations to cause unrest launched

160 UN Commission on Human Rights, Sixtieth Session (5 Jan 04) Situation of human rights in Myanmar, Report submitted by the Special Rapporteur, Paulo Sérgio Pinheiro

161 DVB (26 May 03) Burma War office places all armed organizations on state of emergency

162 Kao Wao News (30 May – 10 Jun 03) Eyewitness accounts of the regime’s ambush on Daw Aung San Suu Kyi and her entourage as recounted by some escapees

163 Irrawaddy (9 Jun 03) Military Leaders Behind Black Friday

164 DVB (28 Jan 03) No plan to talk to NLD and we are not afraid of USA - SPDC

165 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

166 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

167 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

168 UN Commission on Human Rights, Sixtieth Session (5 Jan 04) Situation of human rights in Myanmar, Report Submitted by the Special Rapporteur, Paulo Sérgio Pinheiro

169 The Ad hoc Commission on Depayin Massacre - Burma (May 04) The Second Preliminary Report

170 Financial Times (11 Jul 03) Junta says Suu Kyi planned uprising

171 Irrawaddy (Aug-Sep 04, vol. 12 No. 8) Bedtime reading for the Generals

172 Radio Free Asia (5 June 04) Burmese Crackdown Said To Have Killed 282; DVB (5 July 03) Depayin victims latest

173 BBC Monitor (25 Jan 04) Burmese government claims 151 democracy party detainees freed

174 NCGUB Information Unit (4 Oct 04) Political Prisoner Summary

175 NCGUB Information Unit (4 Oct 04) Political Prisoner Summary

176 Narinjara (29 Apr 04) Long-term jail sentenced to 11 NLD members by Burma military government Dhaka

177 BBC (22 Aug 04) Two Democracy League members sentenced to seven year jail

178 Bernama (6 Jun 03) Razali Off To Myanmar In Bid To Get Suu Kyi Released

179 Washington Post (9 Jun 03) U.S. Presses for Suu Kyi's Release

180 AFP (18 Jun 03) Asia's top security grouping calls for release of Myanmar's Suu Kyi

181 AFP (28 Jun 03) Myanmar can't ignore neighbours' call to free Aung San Suu Kyi: UN envoy

182 Irrawaddy (Aug-Sep 04, vol. 12 No. 8) Bedtime Reading for the Generals

183 Asian Tribune (4 Aug 02) Ad hoc Commission into Burma Massacre adds to pressure on Security Council & The Ad hoc Commission on Depayin Massacre (Burma) (30 Aug 03) Appeal to the International Community and People inside and outside Burma with Regard to Depayin Massacre.
ROADMAP TO DEMOCRACY: BUYING TIME

Roadmap: A Continuation of the 1993 National Convention

On 30 August 2003 Gen Khin Nyunt, the Intelligence Chief and newly appointed Prime Minister, announced a seven-step roadmap to democracy. The ruling military junta, the State Peace and Development Council (SPDC), was under international pressure following the Depayin Massacre, where Daw Aung San Suu Kyi was arrested and over 282 civilians were reportedly killed by a military-sponsored mob.

The first step of the roadmap is reconvening the National Convention, a forum meant to draft principles to guide the writing of the future constitution, not the constitution itself. Following NLD’s victory in the 1990 elections, the military retroactively changed the purpose of the election. Instead of electing members of a legislative assembly, as the regime had clearly stated before the election, Members of Parliament were coerced into a constitution-drafting process that has now dragged on for over 11 years. [See 1990 Election Briefing and National Convention Briefing]

The roadmap begins where the National Convention left off in 1996. It cannot be conceived as a new initiative.

The SPDC’s 7-Point Roadmap to Democracy, in their own words:

1. Reconvening of the National Convention that has been adjourned since 1996;

2. After the successful holding of the National Convention, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic state;

3. Drafting of a new constitution in accordance with basic principles and detailed basic principles laid down by the National Convention;

4. Adoption of the constitution through national referendum;

5. Holding of free and fair elections for Pyithu Hluttaw (Legislative bodies) according to the new constitution;

6. Convening of Hluttaws attended by Hluttaw members in accordance with the new constitution;

7. Building a modern, developed and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.

Source: Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward
Who Rejects the Roadmap

The Committee Representing the People's Parliament (CRPP). On 16 September 2003 the CRPP released a statement rejecting the regime’s roadmap. “Not only will this policy fail to solve the current problems, it is a continuous policy of failure to implement the 1990 elections and disregard of the will of the nationalities and the citizens. It is a declaration by the SPDC of its determination to shape the country’s future according to its own will and desires,” the CRPP reported. The CRPP is an 18-member committee created in 1998 to act on behalf of the elected Parliament of 1990 until it is convened.

Ethnic nationality political parties. The United Nationalities Alliance (UNA), an alliance of 8 ethnic nationality political parties, rejected the roadmap. “If a National Convention beneficial to the country is really to be convened then first and foremost it is important that the NLD, the ethnic groups, and the SPDC should hold free and fair talks prior to convening the National Convention,” said a UNA spokesperson in a meeting with UN Special Envoy Razali Ismail. On 14 May, the UNA formally announced its boycott of the National Convention, following the boycott by the NLD.

Another ethnic alliance, the United Nationalities League for Democracy (UNLD) comprising 25 parties, also rejected the regime’s roadmap. UNLD instead called for the release of all political prisoners, dialogue between the NLD and the SPDC, freedom for political parties, and an inquiry into the Depayin Massacre.

Ethnic non-ceasefire groups. The Karen National Union (KNU), one of the largest ethnic nationality groups who hasn’t signed a formal ceasefire agreement with the SPDC, called the roadmap the “lost road to nowhere.”

The Burmese pro-democracy movement. The Burmese pro-democracy movement in exile, led by the National Council of the Union of Burma (NCUB) and the National Coalition Government of the Union of Burma (NCGUB), also rejected the roadmap. [See Civil Society’s Response to the Crisis in Burma Briefing]

On 18 October Gen Khin Nyunt was detained and sacked from his position as Prime Minister. He was replaced by Lt Gen Soe Win, a hardliner perceived as the mastermind behind the Depayin Massacre. This move follows the 18 September sacking of Foreign Minister Win Aung and his replacement by another hardliner, Maj Gen Nyan Win. Both Khin Nyunt and Win Aung were considered “pragmatists” within the regime, and their demise now dramatically undermines hopes that the roadmap could become a democratic process to achieve democracy in Burma.

“['The hardliners... have apparently used Gen Khin Nyunt's roadmap to democracy as a handy buffer against international pressure while they consolidated their grip on Burma.” ~ Altsean-Burma on 20 October 2004.

UN Special Envoy Razali Ismail said the ouster of Khin Nyunt was “unfortunate”, and both he and UN Secretary-General Kofi Annan urged the junta to remain committed to the roadmap and begin substantive dialogue with the opposition.

“No only will this [roadmap] fail to solve the current problems, it is a continuous policy of failure to implement the 1990 elections and disregard of the will of the nationalities and the citizens. It is a declaration by the SPDC of its determination to shape the country’s future according to its own will and desires.” ~ the CRPP, 16 Sep 2003.

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Conditional Support for the Roadmap & Increasing Skepticism

Inside Burma, the roadmap received obvious support from the Union Solidarity and Development Association (USDA), a civilian organization led and financed by Burma’s generals. The USDA is notorious for the attack on the NLD in Depayin on 30 May 2003. They are also responsible for several violent attacks on Daw Aung San Suu Kyi and other activists over the past 8 years. The USDA reportedly organized rallies in support of the roadmap throughout the country.

Ceasefire groups offered their conditional support for the roadmap. The Kachin Independence Organization (KIO) informed the junta that it would support the National Convention provided that all ethnic nationalities and political parties are represented. The New Mon State Party expressed a similar perspective. 

Thailand, ASEAN, the UN Secretary-General and his Special Envoy have expressed conditional support for the regime’s initiative, interpreting it as a much needed sign of progress after the events at Depayin. However their support was replaced by increased concern and skepticism following the regime’s refusal to include Daw Aung San Suu Kyi and the National League for Democracy in the National Convention. [See Kofi Annan Briefing and Razali Ismail Briefing]
BURMA’S NATIONAL CONVENTION: ILLEGITIMATE, UNREPRESENTATIVE & OPPRESSIVE

A Questionable Process

The National Convention (NC) is illegitimate. It was first devised as an excuse to avoid convening the Parliament, when the National League for Democracy (NLD) won 80.8% of parliamentary seats in 1990. Burma’s military regime reconvened the NC on May 17 2004 in an attempt to ameliorate international pressure following the attack on Daw Aung San Suu Kyi and NLD members on 30 May 2003 – the Depayin Massacre.

The NC has always lacked credibility. Nine political parties that won a total of 90.9% of parliamentary seats in 1990 are boycotting the NC because of the regime’s refusal to adopt democratic standards. The UNGA, UNCHR, Inter-Parliamentary Union (IPU) and other international organizations have, over the past decade, consistently called for the implementation of the 1990 election results and criticized the NC. The regime’s broken promises to release Daw Aung San Suu Kyi before the NC have further undermined the credibility of the process.

The NC has dragged on for more than a decade. The NC first met in 1993, with the objective of “laying down the basic principles for the drafting of a firm and stable Constitution”. It was suspended in 1996 after the NLD walked out because the regime refused to allow debate. In the ensuing years, the regime consistently assured the UN and Asean that work was continuing on the constitution-drafting process. The NC was revived as the first step in the junta’s seven-step “roadmap to democracy”. The junta has emphasized that the current NC is a continuation of the process started in 1990 and not a new version.

The NC is a violation of human rights. The repressive procedures and undemocratic representation that led to the NLD walk-out in 1996 have been intensified. From 17 May – 9 July 2004, NC delegates were confined at a military-controlled location, with restricted contact with the outside world.

The 6 Objectives & 104 Principles: Entrenching Military Rule

The NC was initially convened on 9 January 1993 to “draft basic principles for the drafting of a firm and stable constitution”. Even before it started, the regime, then known as State Law and Order Restoration Council (SLORC) had already imposed
6 objectives to “guide” the drafting of constitutional principles. Although the first 5 objectives primarily involve nation-building and goodwill intentions of peace, justice and democracy, the 6th principle guarantees a dominant role for the military, the Tatmadaw, in the future Burmese government. The generals seek what they call “disciplined democracy”, a euphemism for continued military rule.

Nine months into the Convention SLORC imposed 104 basic principles, or “State Fundamental Principles”, to further “guide” the constitution-drafting process. These principles cover such matters as the allocation of positions in the legislature and the executive branch of government to the Tatmadaw (armed forces) and guarantee certain privileges for the armed forces. Essentially, they secure the political power of the Defence Services Commander-in-Chief without apparent accountability to Parliament.

From 1994 to 1996 the NC set out to draft 2 full chapters and parts of 3 other chapters of “Detailed Basic Principles” for the future constitution. These principles concern state structure, head of state, and the formation of the legislature, executive, and judicial branches of government.

These principles build on the 6 objectives and 104 basic principles to detail precisely how the military intends to keep a hold on power. For example:

- In a notable attempt to exclude Daw Aung San Suu Kyi from holding the position of President, principles regarding the Head of State dictate that the President “shall be a person who has been residing continuously in the country for at least 20 years”, and whose spouse, children, and spouses of children cannot be a citizen of a foreign country.

- Principles regarding the legislature state that 25% of seats will be allocated to military personnel nominated by the Commander-in-Chief of the Defence Services.

- Principles regarding the executive assume that the ministers of defence, security/home affairs and border affairs shall be members of the military.

Since 1993 six chapters of a proposed 15-chapter framework have been completed. The 2004 NC process which lasted nearly 2 months focused mainly on the division of legislative power between the national and constituent States.

The current convention is a continuation of a failed process. Despite widespread criticism of the 1993-1996 Convention, which according to UN Special Rapporteur Sergio Pinheiro “violated the human rights of its participants and lacked “procedural democracy”, the military junta, now known as the State Peace and Development Council (SPDC), announced in January 2004 that the 6 objectives, 104 principles and a similar Procedural Code would still form the basis of the new round of constitutional talks.

No Freedom, No Representation

Unrepresentative. In order to avoid honouring the results of the 1990 election, the junta issued Declaration No. 1/90 that claimed “the representatives elected by the people are those who have the responsibility to draw up the constitution of the future democratic State”. Yet only 15 of the 1,076 delegates that attended the 2004 NC were elected MPs. Another 29 were representatives of ethnic political parties, while the rest of the delegates were handpicked by the regime.

Worse than the 1993 convention. The first phase of the Convention comprised only 99 elected MPs, or 14% of the 702 delegates. This worsened in 2004, when elected MPs constituted only 1.3% of the total number of delegates. Out of the 15 elected MPs who attended in 2004, 6 had been previously expelled from the NLD. Fifty-four NLD members were invited as individuals, and even if the party had decided to attend, the NLD would have constituted only 3% of delegates.

Opposition parties boycott. On 14 May the NLD announced it would not take part in the NC as the SPDC failed to agree with five minimal conditions:
1. The "six objectives" should be regarded merely as suggestions to be considered in the drafting of the constitution.

2. The "104 principles" too should be regarded as suggestions to be considered for the drafting of the constitution, not as binding principles.

3. All political parties, including the NLD, should be able to choose their own representatives freely.

4. All NLD offices sealed since 30 May 2003 must be reopened and party signboards restored where they have been forcibly removed.

5. U Tin U, vice-chairman of the NLD and General Secretary Daw Aung San Suu Kyi must be released from detention.

Ethnic political parties back out. Eight ethnic political parties that ran in the 1990 election, including the Shan Nationalities League for Democracy (SNLD), the second most successful party with 23 Parliamentary seats, jointly decided to boycott the NC. Grouped under the banner of the United Nationalities Alliance (UNA), they announced their decision on the same day as the NLD, and explained it with similar supporting arguments.

Ceasefire groups criticize the NC. On 11 May six ceasefire groups jointly released a 7-point statement calling for changes to the NC. The statement went further than the NLD by demanding the abolition of Law 5/96, which can sentence public critics of the NC to a maximum of 20 years in jail. A week later, the NC Convening Work Committee replied that the demands could not be addressed.

Wa support ceasefire groups’ criticism. On 13 May one of the regime’s closest allied ethnic ceasefire groups, the United Wa State Army, lent its support to the ceasefire groups’ statement.

KNU boycott. On 19 May the Karen National Union criticized ceasefire groups attending the NC, stating “The idea that [political] reform can be made by taking part in the convention is totally impossible […] It is just an attempt to legitimize the military dictatorship.”

NCGUB supports NLD, SNLD and ethnic ceasefire groups. The NCGUB released a statement supporting the boycott of the Convention by the NLD and ethnic nationality parties, as well as the demands of ethnic ceasefire groups. “The sole responsibility for failing to bring about national reconciliation […] lies squarely on the shoulders of the generals who have also reneged on the promise to the international community to release Daw Aung San Suu Kyi and U Tin Oo and to make their convention an equitable and fair process.”

Regional Strategy Meeting on Burma condemns the NC as illegitimate. In June, activists from 40 organizations in 10 countries met in Thailand and declared that “the NC has degenerated to a mass detention of more than a thousand people, lacking a shred of credibility. With this, the regime has effectively doubled the number of political prisoners in the country.”

The Regime’s Desperation

The SPDC has made every effort possible to control all aspects of the NC. Bizarre rules, control mechanisms and suppression of public discussion illustrate the regime’s desperation to prove that their long-term political agenda has support.

The SPDC, in its own perverse way, has worked hard to shore up the credibility of the NC so that it can be offered up as an alternative to the release of Daw Aung San Suu Kyi, who still commands overwhelming popular support amongst diverse communities in the country. It hoped the NC would appease the international community without having to deliver actual reforms.

NC Structure: The current NC is closely supervised by four main organs. All are staffed by SPDC officials or its close allies, and its procedures leave no room for democratic debate:

- the NC Convening Commission has control over convention mechanisms and is chaired by SPDC Sec 2 Lt Gen Thein Sein. 
- the NC Convening Work Committee that proposes and approves constitutional principles is led by Chief Judge U Aung Toe.
• the NC Convention Management Committee is responsible for logistical and administrative affairs.

• the Panel of Chairmen, with 45 SPDC handpicked members, controls the agenda and procedural codes for delegates.  

**Law 5/96: Freedom of expression criminalized.**

Law 5/96 was issued by the military regime shortly after the National Convention was adjourned in 1996 to prevent anyone from criticizing the NC and drafting a constitution outside the NC.  

Punishment includes a maximum jail term of 20 years and the outlawing of connected organizations. This law criminalizes freedom of expression, prohibiting “inciting, demonstrating, delivering speeches, making oral or written statements and disseminating (sic) in order to undermine the stability of the State.”  

In 1994, before this law was passed, NLD MP Dr Aung Khin Sint was condemned to 20 years imprisonment for distributing leaflets critical of the NC. Ten years later, on 20 February 2004, the SPDC condemned 6 students to prison terms ranging from 7 - 17 years for the same “crime”.  

1,076 handpicked political prisoners. While the earlier sessions of the NC were held in Rangoon, the 2004 session was held in a specially constructed camp in Nyaung Hna Pin, 45 km north of Rangoon and surrounded by military bases. “Delegates are virtually under house arrest”, revealed UN Special Rapporteur Sergio Pinheiro on 1 June. They are strictly confined to the compound and not allowed to discuss proceedings with non-delegates.  

**Bizarre regulations.** Delegates were told “to put on suitable clothes, to avoid having bath at a unreasonable time and eat junk food (sic) and are advised to go to hospital even they catch cold”. These regulations were devised to limit opportunities for delegates to leave the Convention. Ceasefire group representatives who wanted to consult with their organizations on the first weekend of the NC were refused permission to exit. Weekend leave was granted later to only 65% of delegates. Delegates had to sign an agreement prohibiting them from speaking to the media before being issued weekend leave passes.  

**Strict script supervision.** In accordance with the NC Procedural Code, every speech must be approved in advance by the Panel of Chairmen, and the delegates may only read the edited version. Delegates are forced to keep all information regarding the NC secret until officially released by the NC Convening Work Committee.  

Gagged. Only SPDC-controlled media were allowed to cover the NC, with foreign journalists being systematically refused visas. Journalists were prohibited from bringing tape recorders, computers, mobile phones and cameras to the opening of the convention. Footage of the convention was released without sound, giving no clue as to exactly what was happening.  

**Divide-and-rule:** Divide-and-rule tactics have been used by the junta to pit delegations against each other, and distract them from their work during the convention.  

Before the NC adjourned, 13 ceasefire groups submitted a joint proposal that challenged the SPDC’s agenda for a strongly centralized state. The proposal called for each constituent state to retain most legislative authority and the right to maintain independent armed forces. The joint proposal was rejected and each delegation was individually pressured to submit separate proposals. After an additional two-day meeting with the NC Convening Work Committee Chairman U Aung Toe, the delegates gave in to pressure and agreed to modify their proposal(s). However this issue remains unresolved. It is expected that the SPDC will attempt to break the consensus among ceasefire groups by negotiating bilaterally.  

**The Failure of Engagement**  

The junta betrays its closest allies. The junta’s refusal to participate in a second round of the Bangkok Process in late April came as a loss of face for Thailand and the other apologists of the regime. The Bangkok Process, an international forum to discuss the junta’s democracy roadmap while
serving as a pressure buffer, first met on 15 December 2003 and was attended by the SPDC on the condition that it would not face criticism. Despite this, the regime backed out of further meetings. The divided SPDC leadership, unable to meet the minimal demand of the international community to release Daw Aung San Suu Kyi, claimed it needed time to prepare for the NC.

The international community is excluded from the NC. The regime refused to invite either UN Special Envoy Razali Ismail or UN Special Rapporteur Sergio Pinheiro to visit Burma during the Convention. Many foreign missions in Rangoon sought to send observers to the proceedings but were declined. The flexibility and apparent willingness of the international community to acknowledge the NC were met with exclusion, even of friendly nations, by the regime.

197 Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward
198 Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward
199 The Economist (22 May 04) A constitutional charade; Myanmar
200 Burma Press Summary (Vol. VI, No. 4, April 1992) Constitutional Convention Called
201 The New Light of Myanmar (18 May 04) Regulations are prescribed in the interest of the national races and the delegates
202 NCGUB Statement (7 May 04) The National Convention
203 Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward
204 David Arnott (available online: http://www.ibiblio.org/obl/docs/how9.html) Burma/Myanmar: How to read the generals’ ‘roadmap’
205 New Light of Myanmar (10 April 1994) The Detailed Basic Principles for the chapter ‘The State’, ‘The State Structure’ and ‘The Head of State’ to be included in the State Constitution as laid down by the National Convention Plenary session held on 9 April 1994
206 The Detailed Basic Principles for formation of the legislature to be included in the state constitution as laid down by the National Convention plenary session held from 28 to 30 March 1996 (available online: http://www.ibiblio.org/obl/docs/DBP-LEGISLATURE.htm)
207 Detailed Basic Principles of the Formation of the Executive (available online: http://www.ibiblio.org/obl/docs/DBP-EXECUTIVE.htm)
208 DVB (26 Jul 04) Officials neglected 7 proposals forward by KIO
209 UN Economic and Social Council (5 Jan 04) Situation of human rights in Myanmar report submitted by the Special Rapporteur, Paulo Sergio Pinheiro
210 Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward
211 SLORC (27 July 1990) Declaration No. 1/90. NOTE: The Declaration was signed by then Lt-Gen Khin Nyunt.
212 Irrawaddy (online) Chronology: The National Convention
213 NCGUB (3 Jun 04) An Update on the National Convention in Burma
214 NLD (14 May 04) Statement by the National League for Democracy. Note: U Tin U is also spelt “U Tin Oo”.
215 SHAN (22 May 04) Junta scraps ceasefire groups’ demands
216 SHAN (14 May 04) Ceasefire groups position supported by Wa
217 Irrawaddy (19 May 04) KNU Criticizes Ceasefire Groups for Attending NC
218 NCGUB (14 May 04) Don’t Give Credence to the Generals’ Convention
219 RSM (8 Jun 04) Declaration of the Regional Strategy Meeting on Burma
220 Irrawaddy (10 May 04) What to Expect From the National Convention
221 Irrawaddy (10 May 04) What to Expect From the National Convention
222 State Law and Order Restoration Council Law No. 5/96 of June 7 1996
223 Irrawaddy (online) Chronology: The National Convention. Dr Aung Khin Sint was forced to resign as an NC delegate and was released in July 2001.
224 Irrawaddy (23 Feb 04) Students sentenced
226 The Nation (2 June 04) Envoy: Assembly a ‘mass house arrest’
227 The New Light of Myanmar (18 May 04) Regulations are prescribed in the interest of the national races and the delegates
228 SHAN (22 May 04) Junta scraps ceasefire groups’ demands
229 AFP (4 Jun 04) 700 delegates leave controversial Myanmar convention on weekend break
230 DVB (21 Jun 04) Burma Junta tightening control on convention delegates
231 S.H.A.N. (13 April 04) Opposition hemmed in
232 S.H.A.N. (13 Apr 04) Opposition hemmed in
233 RSF (13 May 04) Military junta shuts door on free coverage of National Convention
234 Irrawaddy (19 may 04) Constitution-drafting from the concentration camp
235 The Nation (2 Jun 04) Envoy: Assembly a ‘mass house arrest’
236 Irrawaddy (9 July 04) National Convention Adjourned
237 SHAN (26 Jun 04) Junta plays dirty game, claims convention delegate
238 SHAN (7 Jul 04) Convention chair begs his way to “victory”
239 AFP (8 Dec 03) Myanmar to attend international forum on democracy “roadmap”: Thailand
240 AFP (23 Apr 04) Myanmar backs out of international talks on reform plans
241 AP (18 May 04) U.N. envoy condemns Suu Kyi detention; seeks Indian, Chinese help to deal with Myanmar and Financial Times (2 June 04) Burma reform talks ‘surreal’ says UN envoy
242 Altsean-Burma (Jun 04) Confidential interviews
UNDERMINING REGIONAL SECURITY

Nuclear Ambitions

Since December 2000, the SPDC has approached vendors in Russia, China and North Korea to help achieve its nuclear ambitions.

In 2002, Russia agreed to assist the SPDC in designing and building a nuclear studies centre, but was forced to accept payment in teak, fish and rice as the junta was unable to properly fund the program. This agreement lapsed in late 2003 when the SPDC was unable to reach an agreement with Moscow over final payments.243

In 2003, North Korea replaced Russia as the SPDC's primary source of nuclear technology. North Korean Airlines were reportedly delivering personnel and materials to military sites inside Burma. In Nov 2003, 80 SPDC personnel went to North Korea to study 'nuclear and atomic energy technology.'244 Recent reports indicate that North Korea has agreed to provide the Burmese regime with a nuclear reactor at a bargain price to be paid in “affordable phases”. The reactor will be built in Natmauk in central Burma, according to a report that also claims that US intelligence is aware of the development. 245

A lack of physical safety and security for nuclear facilities makes the prospect of a nuclear-enabled regime particularly worrisome, as does the complete absence of oversight mechanisms to ensure the appropriate use of any such technology.

In October 2001 the International Atomic Energy Agency (IAEA) rejected the SPDC’s request for assistance in obtaining a reactor on the basis that they did not need one and nor was there adequate safety standards or physical protection for a reactor. The report called the SPDC’s security standards “well below the minimum the body would regard as acceptable.”246 A nuclear reactor also offers an ideal target for insurgent groups. Intra-SPDC corruption and a poorly paid military increases the likelihood of misuse and worsens the security risks involved in maintaining an SPDC nuclear reactor. One US State Department official has said, “In light of the risks of terrorists using improvised explosive devices and ‘dirty bombs’, the movement of radioactive and fissile materials into and out of a tinderbox country [like Burma] must worry security analysts.”247

Thailand and other neighboring countries have also raised fears over the SPDC’s capacity to maintain and use a nuclear reactor.248 Nuclear technology is costly to maintain. If the SPDC was unable to appropriately finance the acquisition of the

“Unless there is peace and prosperity in this country [Burma] will always provide a threat to the peace and prosperity of this region...” - Daw Aung San Suu Kyi

While the regime remains in power, Burma will continue to threaten regional security. The generals do not offer a defense against instability, but instead guarantee it continues.

The generals have obtained nuclear technology from North Korea.2 In June 2004, Indian and Western Intelligence sources confirmed that North Korea had authorized the sale of a nuclear reactor to Burma.3 Like North Korea, the SPDC lacks the security, funds and parliamentary oversight necessary to ensure the safe use and maintenance of nuclear technology.

The generals continue to procure offensive military weapons that have the potential to be used against neighbor states. In the last year they have purchased: 1,000 Armored Personnel Carriers (APCs), upgraded their ground attack aircraft, acquired Ukrainian anti-aircraft weaponry, battle tanks and tracked field cannons, most of which are inappropriate for counter-insurgent activities.4

1 Daw Aung San Suu Kyi (Mar 98) Address to the United Nations Commission on Human Rights
3 Asia Times (4 Jun 04) India frets over Yangon-Pyongyang deal
technology, it is unlikely they have the funds to appropriately maintain the site. Moreover, in most nuclear states, the use of nuclear technology is governed by mechanisms of legal oversight. Where the rule of law has little currency and intra-army divisions exist, the proper oversight of nuclear technology is unlikely.

Burma is also prone to earthquakes. In September 2003 an earthquake destroyed an underground SPDC bunker that some suspected of housing the beginning stages of a nuclear reactor. The development of nuclear technologies in areas of geological instability poses health and environmental risks in addition to security concerns.

**North Korea: A Threatening Alliance**

A Burma-North Korea partnership is mutually beneficial, as the SPDC wants weapons and North Korea needs hard currency and goods. Deals have been known to include elements of barter trade from Burma.

The Burmese and North Korean regimes also have ties in the drug trade. Although it is uncertain if the relationship is an official state-to-state arrangement, it is clear that narcotics are moving between Burma and North Korea. In recent years North Korean vessels and agents have been intercepted smuggling Burmese heroin off the eastern coast of Australia, into Taiwan and into Russia. It has also been reported that Pyongyang agents have recently been seen in the Golden Triangle.

**The Drug Connection**

Speaking of the Burmese Army... “Everyone knows they’re involved, but they don’t come across the border. They get others to do that for them.” ~ Indian Army Officer

Burma remains the world’s largest producer of illegal narcotics after Afghanistan. The trade is flourishing as a result of military collusion and an unrepresentative political situation that perpetuates poverty and disenfranchisement. Evidence of SPDC collusion in the drug trade is insinuated through protective relationships with known traffickers and a military-dominated banking system that is sustained by money laundering from the drug industry.

The United Wa State Army (UWSA), which has an estimated 25,000 members and controls a substantial region in northern Burma is a key business and military partner of the SPDC. The SPDC has granted the UWSA, which is considered the world’s largest drug trafficking cartel, economic concessions, investment opportunities and security.
Burmese heroin flows through Southern China, Northwest India and across the Thai-Burma border. Increased pressure from the Thai authorities along the Thai-Burma border in early 2003 has opened another route to Bangkok via Laos.\textsuperscript{256} Narcotics smuggling along these routes feed markets primarily in East Asia and Australia. Reports have shown a recent increase in the amount of drugs supplied to East Asia.

Alongside the degenerative effects on economics and law enforcement that arise from drug addiction, narcotics trafficking attracts a further security concern from the militarized protection and rise in organized crime that accompanies its distribution.

The export of Burma’s drugs is largely dominated by Asian organized crime gangs based in Hong Kong and Taiwan, who have international affiliates throughout Asia, North America,\textsuperscript{257} Europe and Australia.\textsuperscript{258}

### People, Drugs and Disease

Alongsides the flow of drugs from Burma is a corresponding flow of people. As a result of continued SPDC repression, Burma’s ‘internal’ conditions have forced Thailand to support an extra 2 million asylum seekers and migrant workers,\textsuperscript{260} while India houses over 50,000\textsuperscript{261} Bangladesh 21,500\textsuperscript{262} and Malaysia 600,000.\textsuperscript{263} Poverty and conflict in Burma have also sustained human trafficking groups throughout the region.

Rates of increased drug addiction and HIV/AIDS infection correspond to trafficking routes in Thailand, India and China.\textsuperscript{264} Within India and China, the regions with the highest rate of infection are those that border Burma.

According to UNAIDS, up to 620,000 people inside Burma are infected with HIV/AIDS\textsuperscript{265}, and yet the SPDC willingly under-funds the health sector. [see Health] 50% of injecting drug users in Thailand are infected with HIV/AIDS, as are 70% in China, 76% in Malaysia and 65% in Vietnam,\textsuperscript{266} further cementing the link between people, drugs and disease.


245 Asia Times (4 Jun 04) India frets over Yangon-Pyongyang deal

246 FEER (21 Feb 2002) Burma’s Nuclear Plans Worry the IAEA


249 Selth, Andrew (2004) Burma’s North Korea Gambit; A Challenge to Regional Security


256 AP (23 Feb 04) Police says drug arrests expose new smuggling route

257 Lintner, Bertil (Apr 1998) Global Reach: Drug Money in the Asia Pacific, Current History, Vol.97, No.618

258 BBC (8 Jun 00) Hong Kong’s changing drug trade

259 Irrawaddy (8 Oct 03) Wa Army Selling Weapons to Asian Rebels


261 Refugees International (22 Jun 04) Between a rock and a hard place: Chin Refugees in India

262 Lewa, Chris (9 Oct 02) The Refugee Situation on the Western Borders of Burma. Forum Asia at the Canadian Friends of Burma Public Conference


266 UNODC Regional Centre for Asia and the Pacific Drugs and HIV/AIDS in South East Asia Reducing HIV Vulnerability from Drug Abuse (AD/RAS/02/G22)

NOTE: Maps from Altsean-Burma (2004) A Failing Grade

HEROIN flows from northeast Burma into China through Kunming, and then east to Hong Kong through Nanning. Researchers have discovered that, along this route, HIV strains called subtype C and a hybrid strain dubbed B/C dominate.

From Mandalay in central Burma, heroin from the northeastern part of the country is trucked to Manipur, an isolated border state in northeastern India. Despite being an insurgent area that the Indian government has closed, Manipur has India’s highest HIV rates. Viral strains detected in the area include subtype C – the dominant strain in India – and subtype B and E, Southeast Asia’s major strains.

Burmese heroin reaches the Chinese border town of Pingxiang via a route that traverses Burma, Laos and northern Vietnam. HIV subtype E dominates this route.

A fourth, previously unrecognized route runs hundreds of miles – north from Kunming into Urumqi in China, then west across the Chinese border into Kazakhstan. This helps explain a recent sudden outbreak of heroin use and HIV infection with subtype B/C in Urumqi.
BURMA & THE INTERNATIONAL COMMUNITY

ASEAN

While the ASEAN position on Burma has been less critical than its European and American counterparts, there has been a sustained desire within ASEAN over the last decade for democratic change in Burma.

In May 2004, Malaysian parliamentarians formed a Parliamentary Caucus on Burma to accelerate democratization in Burma and push for the release of Aung San Suu Kyi. In a statement released at the June 2003 Ministerial Meeting in Phnom Penh, ASEAN Ministers “...urged Myanmar (Burma) to resume its efforts of national reconciliation and dialogue among all parties concerned leading to a peaceful transition to democracy.” In 2003, former Indonesian Foreign Minister Ali Alatas traveled as a special envoy to Rangoon in an attempt to spark the democratization process.

This desire for change is not new: in 1992, the Indonesian Foreign Ministry said “we are telling them [the Myanmar regime] very quietly, in a Southeast Asian way, without any fanfare, without any public statements: ‘Look, you are in trouble, let us help you. But you have to change, you cannot continue like this.” As far back as 1991, there has been a desire for democratic change in Burma. In 1991, ASEAN sent Philippines Foreign Secretary Raul Manglapus to visit Rangoon to assess the (then) SLORC’s political developments. At the same time, Malaysia blocked Burmese attendance at the 1991 Ministerial conference in Manila, citing “Burma’s atrocious human rights record against the Burmese Muslim Rohingyas” as sufficient reason.

These statements are indicative of a quiet, but continuing desire among ASEAN states for change in Burma; yet ASEAN action on Burma remains muted. Desire for regional unity and economic integration, along with a wish to avoid controversy and debate has inhibited a stronger approach on Burma. Ironically, the SPDC remains the greatest stumbling block to ASEAN’s regional unity and collective economic development. ASEAN must recognize that Burma’s condition is a result of the SPDC’s mismanagement. Regional action on Burma must therefore address the underlying cause of the conflict rather than quietly seek to contain its consequences.

There is consensus over the need for democratic change in Burma. The recent purge of ‘reformers’ from the regime has shown the international community that a policy of unconditional engagement cannot be maintained.

“I think it is important for the Burmese government to show the international community that the reconciliation and the road map process is going to be continued.” ~ Malaysian Foreign Minister Syed Hamid Albar after the ousting of PM Gen Khin Nyunt in October 2004.

ASEAN Foreign Ministers have urged Burma “to take every action that will add substance to the expression of its democratic aspiration” at the ASEAN Regional Forum in June 2004.

In June 2003, Thai Prime Minister Thaksin Shinawatra affirmed that a “democratic and prosperous Burma” was integral to the “stability and prosperity of Southeast Asia.”

International unanimity has been expressed through annual UN General Assembly Resolutions, which condemn the military junta for its continued abuses of the people of Burma and call for dialogue and democratization.

Despite this, the international community remains fragmented over a Burma strategy.

The process of ‘constructive engagement’ has come to be synonymous with the unconditional acceptance of the SPDC by ASEAN and US corporate interests. Such unconditional support is irresponsible, as it has undermined initiatives for reform.
China

There have even been quiet calls for change emerging from China in recent months. Chinese Foreign Ministry spokeswoman Zhang Qiyue has urged a "good internal and external environment for Myanmar’s [Burma’s] democratization". In early 2004, China’s Vice-Prime Minister Wu Yi urged the SPDC to push Burma’s political situation in a ‘more positive direction’. At the same time, she told Sr Gen Than Shwe that Beijing wanted to see Burma ‘consolidate economic development – and at the same time achieve political stability and national harmony.’

China has suffered acutely from the drug trade in Burma. Up to 80% of Burmese drugs now move through southern China. The impact includes expanding rates of crime and lawlessness, drug addiction and the alarming spread of HIV. The SPDC’s paltry anti-drugs efforts have increased frustration amongst Chinese officials. In March 2004 Luo Feng, Vice Minister of China’s Public Security Bureau lamented that Burma’s heroin supply feeds the habits of China’s 643,000 active users. Luo Feng said “the drug control situation in China is still very serious, multipoints of entry and all lines of infiltration of illegal drugs is imposing immense harm to China.”

China’s desire for a stable, economically viable Burma in a prosperous region suggests the possibility of a shift towards a stronger stance on Burma in the future.

India

After the military coup in 1988, India was initially a strong supporter of the Burmese democracy movement, offering refuge to those who fled Burma and internationally condemning the military junta. India’s official position at that time was to oppose the generals and demand a return to democracy.

In 1993, India began to adopt a “strategic engagement” approach towards Burma, but did not immediately cease its traditional support for Daw Aung San Suu Kyi.

In 1996, India affirmed the doctrine of non-interference and publicly referred to the Burmese democratic movement as an “internal affair.”

Since then, India and Burma have strengthened political, military and economic ties, particularly along their common border. In early 2004, alongside promises to beef up bilateral trade, the two countries also planned a cooperative offensive against anti-Indian militants living inside Burma along their common border as well as strengthening counter-narcotics cooperation. As violence, narcotics trafficking and militancy persist in India’s north-east, friendly ties with the SPDC have become heightened priorities. Similarly, Burma’s energy reserves have also made it far easier to provide weapons while remaining silent on the issue of democracy.. In mid-2003 it was announced that the SPDC would purchase 80 artillery pieces from India, and it was also rumored that they would offer assistance and spare parts to repair Burma’s fleet of US supplied Bell helicopters.

Ironically, increased cooperation in trade and security concerns has also facilitated increased drug production and smuggling by enabling the nexus between the SPDC and drug production to flourish unabated.

The regime has successfully played off the India-China rivalry to obtain arms, military co-operation and access to trade and investment opportunities.

Ironically, increased cooperation in trade and security concerns has also facilitated increased drug production and smuggling by enabling the nexus between the SPDC and drug production to flourish unabated.

The cost to India has been a rise in narcotics trafficking and weapons proliferation.

Similarly, China has suffered with increasing rates of HIV/AIDS infection, narcotics trafficking and transnational crime.

The challenge lies with the international community to develop a concept of principled engagement that utilizes the entire gamut of political, diplomatic and economic levers in a way that will maximize change.

This involves analysing how and when the regime responds. Experience has shown that the regime is most likely to respond to pressure, having been far more responsive to US and ILO pressure than it has been to ASEAN’s ‘constructive engagement.’
smuggling and minor distribution and, most likely, in extracting ‘taxes’ from drug convoys and smugglers at a rate of between 10-20%.280

Since the mid-1990s, India’s northeast has experienced a significant rise in drug smuggling. This includes importing Burmese opium, heroin, and methamphetamine (ATS). In February 1999 Indian police made their first seizure of United Wa State Army (UWSA) manufactured ‘WY’ brand ATS, with 880 pills seized at Moreh in Manipur.281 Precursor chemicals also enter Burma from India, destined for ATS laboratories and raw opium also moves across the border to be processed in Burmese labs.282

Yet public support for Daw Aung San Suu Kyi remains widespread in India. In 1995, she was awarded the Jawaharlal Nehru Peace Award for International Understanding and in 1998, six major political parties reaffirmed their support for the pro-democracy movement in Burma. Seventy-five Members of Parliament from various political parties signed a petition supporting the NLD’s call to convene the elected parliament in Burma.283

The new parliament in India is an opportunity to realign Indian policy on Burma. On 17 September 2004, at a meeting to examine Burma-India bilateral relations, Congress Party Spokesperson Anil Shastri said the party would always support any movement for the restoration of democracy in Burma.284 With this necessary step, India can begin to reassert democratic values into its relationship with Burma in order to ensure a strong, secure long-term relationship with its neighbor.

**The United Nations**

Since 1991, the UN General Assembly has annually passed a resolution condemning the SPDC for its ongoing abuses against the people of Burma. The November 2003 UNGA resolution expressed “grave concern” at the continued systematic violation of human rights, extrajudicial killings, use of torture, sexual violence and the destruction of livelihoods by the armed forces.285 Further to this, the annual resolutions have put forward a list of recommendations that would allow a proper transition to democracy to take place.286 This sustained interest from the General Assembly of the United Nations is indicative of the international community’s unified stance against the SPDC’s continued mismanagement of their country.

The United Nations Security Council (UNSC) has yet to be exercised as a mechanism to address the issue of Burma. The Philippines, during its presidency of the UN Security Council, was urged to utilize its position to bring Burma to the agenda of the UNSC, an initiative urgently needed so that it can produce a strong, international approach to the conflict in Burma.

“Burma is a country desperately in need of democracy, respect for fundamental human rights and national reconciliation.” ~ Madeline Albright, 31 August 2000.

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The United Nations Security Council (UNSC) has yet to be exercised as a mechanism to progress reforms in Burma. The Philippines, during its presidency of the UN Security Council, was urged to utilize its position to bring Burma to the agenda of the UNSC, an initiative urgently needed so that it can produce a strong, international approach to the conflict in Burma.

In addition to the UNGA initiative, resolutions on the human rights situation in Burma are an annual feature of the UN Commission on Human Rights (UNCHR).

**The United States**

On 20 October, US State Department Spokesperson Richard Boucher said the ousting of PM Gen Khin Nyunt doesn’t “…point in the direction of allowing freedom of exercise of political and human rights. We continue to call on Burma to engage in meaningful dialogue leading to genuine national reconciliation.”288

Priscilla Clapp, the former US Charge D’Affaires for Burma from 1999 to 2002 said, “the United States government places the blame for the lack of progress to date squarely where it belongs, with the oppressive and shortsighted military junta.”289

Philippines, during its presidency of the UN Security Council, was also urged to utilize its position to raise the issue of Burma in the Security Council. A Security Council response to Burma is needed to offer a strong, international approach to the conflict in Burma.

In addition to the UNGA initiative, resolutions on the human rights situation in Burma are an annual feature of the UN Commission on Human Rights (UNCHR).
On July 28 2003, the United States passed the Burmese Freedom and Democracy Act 2003, which imposed an import ban on Burmese goods, expanded the existing visa ban to include USDA officials, and reiterated opposition to bilateral assistance and new assistance from International Financial Institutions. At the same time, President Bush signed an Executive Order to freeze the assets of SPDC and USDA officials in the US and ban the provision of financial services to Burma. These sanctions were renewed on 8 July 2004.

The European Union

Since 1996 the European Union has implemented a Common Position on Burma, which aims to sanction those who “benefit most from military misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy.” The EU’s position on Burma stems from the military’s role in perpetuating human rights abuses against the people of Burma. The reaffirmation of the Common Position in April 2004 was implemented with a view of ensuring a peaceful transition to democracy for Burma’s people. "But if that process is to move forward, then the ball's firmly in the Myanmar junta's court to make progress on human rights, starting with the immediate release of (pro-democracy leader) Aung San Suu Kyi."

After agreeing to the attendance of a lower level junta delegation at the 8-9 October 2004 ASEM meetings in Vietnam, the European Union issued an ultimatum to the generals. Unless the SPDC released Daw Aung San Suu Kyi, ceased harassment of the NLD and took steps to allow for genuine debate in the National Convention, the EU would tighten existing sanctions. When the regime failed to respond, the European Union imposed these sanctions on 11 October 2004:

1. extend the list of people banned from visas to a range of members of the army (and their families) to the level of Brigadier General;
2. ban on companies or organisations based in the EU funding (via loans or capital investments) public companies in Burma;
3. systematic EU vote against the granting of loans to Burma by international institutions.

267 New Straits Times (25 May 04) Panel on Myanmar dispute
ADVANCING REGIONAL INTERESTS

Non-Interference: No Barrier to Acting on Burma

Much of ASEAN’s success has been attributed to the guiding precepts set out in its founding document, the Treaty of Amity and Cooperation (TAC).298 The utility of these principles in overcoming very specific and historically enduring security concerns cannot be under-estimated. However, the very narrow historical context in which they were formed must also be recognized.

Official ASEAN documents show that Article 2 of the TAC emerged in response to three primary security concerns: That is, a fundamental concern for national survival because of historically fluid territorial boundaries, the residual effects of the Indo-Malaysian Konfrontasi, and a desire for freedom from external Cold War geopolitical influences. ASEAN itself recognizes that this context has changed: “Now, at the threshold of the twenty-first century, the achievement of national and regional resilience is such that the survival of Southeast Asian nation-states is no longer a salient issue.”299 Regional security does not rely on rigid interpretations of the articles and as such, ASEAN is selectively interpreting the principles.

The norm of non-interference in internal affairs does not prohibit action on Burma. In 1997, ASEAN postponed Cambodia’s membership to the grouping because it was viewed as an issue with repercussions for regional security and prosperity.300 To protect regional stability and resilience, ASEAN was charged with acting on an ‘internal issue’ that spilled over national boundaries and undermined a neighbor’s well-being.

In 1998, the grouping agreed to use “enhanced interaction,” which calls for countries to comment on domestic issues that portray the ASEAN grouping in a negative light. Former Indonesian Foreign Minister Ali Alatas said that “‘enhanced interaction’ means that the countries of ASEAN now agree that when there is a problem that resides in one country but has effects on the other countries and when there are transnational problems like drugs, smuggling, piracy and so on, then we should convene and discuss these problems.”301 He reaffirmed his support for this concept in January 2004.302

Many ASEAN representatives have expressed caution over engaging critically on Burma, citing ASEAN’s norm of non-interference as preventing involvement. However, as is highlighted in the Treaty of Amity and Cooperation (TAC), this policy extends only to non-interference in a member’s internal affairs.

ASEAN involvement in Cambodia and the ASEAN Vision 2020 allow for engagement on issues that carry regional repercussions. The case of Burma is one such example. With an estimated 2.5 million asylum seekers and migrant workers throughout the region1 and over 1.5 million known drug addictions that result from Burma’s narcotics industry,2 Burma is undeniably a regional issue.

Offering a regional response to a regional issue is advantageous for ASEAN. An ASEAN response to the question of Burma is an opportunity to enhance regional resilience and solidarity in a way that will contribute to greater unity within the grouping. It is also an opportunity to raise ASEAN’s credibility.

ASEAN is responsible for Burma’s stability. ASEAN’s ‘Vision 2020’ charged member states with the responsibility of forging a “stable, prosperous and highly competitive economic region.” Addressing the root cause of political and economic instability in Burma thus falls well within ASEAN responsibility.

1 Asian Legal Resource Centre (Apr 2002) Statement to the fifty-eighth session of the Commission on Human Rights
In 1998, the ASEAN ‘Vision 2020’ paper affirmed that the group sought an ‘equilibrium between national sovereignty and regional resilience.’ Where regional resilience is undermined by a rigid interpretation of national sovereignty, compromise in the interests of regional stability should be taken under consideration. In 2000, ASEAN established the ‘ASEAN troika’ as a mechanism to address issues ‘…likely to disturb regional peace and harmony, with the potential to affect ASEAN in political or security terms.’

Like the Cambodian case, refugees, narcotics, militants and weapons have spilled over Burma’s national boundaries and contributed to regional instability. The junta’s collusion with drug traffickers, weapons dealers and armed groups illustrate that the SPDC directly contributes to this insecurity. With increased dependency on regional integration, SPDC’s misrule is similarly debilitating for the entire region. ASEAN cannot deny it has both an interest in and responsibility for the negative regional repercussions of Burma’s insecurity.

ASEAN’s position on Burma has always acknowledged some complexities of the Burmese regime. The very notion of ‘constructive engagement’ is premised on a desire for change. The first mention of ‘constructive engagement’ as an ASEAN approach to Burma emerged in 1992 when an Indonesian foreign ministry spokesperson said their policy was to seek change without publicly embarrassing or isolating the regime. In 1998 Thailand proposed ‘enhanced interaction’ and ‘meetings’ as a result of cross-border repercussions of Burma’s armed conflict. Yet despite these advances, ASEAN states continue to refer to ‘non-interference’ as a rationale precluding substantive action on Burma. Such an approach can no longer be sustained. ASEAN must take decisive regional action to ensure regional security and prosperity can be maintained.

“Aung San Suu Kyi’s significance and value to regional security cannot be underestimated. She commands the respect and loyalty of diverse sections of Burmese society, including military officers. Her capacity as a conciliator and unifier presents the greatest hope for stability in Burma.” ~ Kobsak Chutikul, former Thai diplomat & MP, Oct 2004.

“ASEAN has to make sure that no unstable element exists in its midst, that de-stabilizing forces such as refugee flows do not shake the rest of the region.” ~ Rudolfo Severino, ASEAN Secretary General, 1998.

“The ASEAN Security Community members shall...regard their security as fundamentally linked to one another and bound by geographic location, common vision and objectives.” ~ Bali Concord 2, 2003

A substantive ASEAN role in Burma’s process of national reconciliation is not inconsistent with ASEAN’s norms and goals. By contributing to the process, members will be advancing the ASEAN objectives of cooperative peace, stability and prosperity. ~ Asean Vision 2020

“I think if Asean is truly interested in constructive engagement it should try engage with both sides in Burma, with the SLORC as well as the democratic opposition, and make sure the engagement leads to something constructive, in the way of development towards democracy.” ~ Daw Aung San Suu Kyi, in her message to Asean Leaders, May 1997

298 Article 2 of the Treaty of Amity and Co-operation (TAC) identifies respect for independence, non-interference in internal affairs and a renunciation of force as principles intended to guide regional cooperation.

299 ASEAN (2000) Towards a Southeast Asian Community: A Human Agenda


301 Alatas, Ali (Jan 01) ASEAN Plus Three Equals Peace Plus Prosperity

302 AFP (7 Jan 04) ASEAN must reinvent itself, loosen non-interference policy: Alatas

303 ASEAN Ministerial Meeting (1998) ASEAN Vision 2020

304 Straits Times (26 Aug 92)
BURMA: ASEAN’S SHAME

“ASEAN leaders have claimed that Burma’s entry into ASEAN would allow “constructive engagement” to really work. This claim is now on trial.” Seven years later, that trial has consistently shown “constructive engagement” on Burma to be an abject failure. Neither economic engagement or regional political cooperation have made substantial headway into improving the severe health, education and economic conditions the Burmese suffer. By attaching ASEAN membership to change in Burma, ASEAN states locked themselves into a destructive relationship that was counter-productive to regional unity, legitimacy and prosperity. This unqualified engagement has simply served to help the hardliners to consolidate power. Malaysian Foreign Minister Syed Hamid Albar said after the sacking of PM Khin Nyunt that the ouster had hurt ASEANs collective image. With so much of ASEAN invested in the ‘ASEAN way,’ the stalemate in Burma thus undermines its grounding precepts of non-interference, consensus and cooperation.

Since becoming a member of ASEAN in 1997, Burma’s political, economic and humanitarian conditions have deteriorated. 1,425 political prisoners are incarcerated. In 2003 the SPDC coordinated the Depayin Massacre, an assassination attempt against Aung San Suu Kyi. Narcotics flowing from Burma in collusion with the generals have contributed to the 1.5 million drug addicts throughout Asia. In 2000, the World Health Organization ranked Burma as 190 out of 191 countries in health care standards. Appalling health and education standards persist in Burma despite ASEAN membership [see Health and Education]; moreover, these conditions reflect on ASEAN’s image in the international community.

The SPDC has blatantly snubbed ASEAN’s overtures towards the regime. Premised on the assumption that Burma would conform, ASEAN initiatives such as the Bangkok Process have elicited little positive response from the SPDC. In August 2002, then Malaysian Prime Minister Mahathir led an entourage of 300 businessmen to Burma in the hopes that it would spark economic development, but was ignored by Sr Gen Than Shwe. The regime begrudgingly agreed to the Bangkok Process in 2003, but only after it was promised that they would not face criticism at the talks. The meetings still came to a standoff in April 2004 when then Foreign Minister Win Aung said he was ‘too busy’ to attend.

Burma has continually undermined ASEAN’s credibility and competency as a regional community: Burma’s uncompromising stance and refusal to accommodate regional standards has dragged down ability to work for regional security and prosperity.

ASEAN’s continued assurances that Burma was ‘trying to change’ ring particularly hollow after the recent sacking of PM Gen Khin Nyunt and FM Win Aung, and their replacement with anti-dialogue hardliners.

Burma’s refusal to reform undermines the ASEAN way. With promises that Burma’s accession to the regional grouping would bring reform to Burma, the undeniable lack of progress in Burma’s national reconciliation process fundamentally de-legitimizes ASEAN norms of ‘non-interference’ and ‘constructive engagement’. Burma’s dismissal of the Bangkok Process further weakens arguments in support of ASEAN’s ‘constructive engagement’ and the ‘ASEAN way.’

Burma’s failure to reform has affected ASEAN’s relations with the EU and the US.

A primary rationale for Burma’s accession to the regional grouping was the notion that an ASEAN-10 would increase regional ‘bargaining power.’ This has not been the case. Rather, Burma has made ASEAN more vulnerable to external influences by constantly attracting negative attention to the region.

Burma’s failing economy is debilitating for the entire region. The general’s mismanagement undermines regional economic strength and contributes to regional instability, people and narcotics flows.
When Thailand floated the idea of invoking the ‘ASEAN troika’ in 2000, to begin discussions on the conditions in Burma that led to regional problems, the proposal was strongly rejected by the generals.\textsuperscript{310} This inflexibility undermines ASEAN’s credibility, resilience and unity.

Even before its admission as a member of ASEAN, Burma created divisions inside the grouping. In 1997, worsening conditions inside Burma led some ASEAN countries, particularly Thailand, the Philippines and Singapore, to question the benefits of its membership. Prior to the 1997 ASEAN Foreign Ministers Meeting, Philippines Foreign Minister Domingo Siazon announced there was no consensus in regards to the timing of Burma’s entry. At the same time, Thai Foreign Minister Prachaub Chaiysan publicly said internal politics “are an important factor to consider.”\textsuperscript{311} In 1992, Malaysia registered its opposition to Burma’s persecution of Rohingya Muslims, threatening dialogue at the ASEAN Foreign Ministers Meeting and there were divisions over whether to invite Burma as a guest to the talks.\textsuperscript{312} Again in 2003, Malaysian PM Mahathir Mohamad’s call for Burma’s expulsion from ASEAN further fragmented public regional unity. Yet Thailand and Singapore vocally denounced this suggestion as representing ASEAN policy. Since then, ASEAN has been forced to engage in public displays of unity and make attempts to mend the rifts created by Burma, alongside defending the regime to the international community.

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\textsuperscript{306} Dr Thaung Tun (1997) From Consensus to Controversy
\textsuperscript{307} Irrawaddy (21 Oct 04) Burma’s Developments Hurt ASEAN Image
\textsuperscript{308} DPA (16 Aug 02) Mahathir in Myanmar Sunday as Yangon Explores IT Opportunities
\textsuperscript{309} AFP (23 Apr 04) Myanmar backs out of international talks on reform plans
\textsuperscript{310} The Hindu (8 Oct 00) Stalemate in Myanmar
\textsuperscript{311} Acharya, Amitav (1997) Constructing a Security Community in Southeast Asia, p. 113
\textsuperscript{312} Acharya, Amitav (1997) Constructing a Security Community in Southeast Asia p.111

“... there is only so much a friend can take. Loyalty does not come at the price of sacrificing oneself in defense of a system that is -- frankly speaking -- corrupt, inhumane and which violates every universal basic right.

At present, the hope of a more democratic and open society seems even more distant. Even Minister of Foreign Affairs Hassan Wirayuda conceded that ‘hopes that she (Suu Kyi) would be released under the current administration are even slimmer.’

Yangon’s recalcitrance is making its neighbors defense of it look utterly stupid. It is wearing its neighbors’ patience thin.

Friendship is reciprocal. The time has come for Yangon to show concessions, if not now then by the time the ASEAN Summit is held in Vientiane next month. Otherwise Yangon will be increasingly hard pressed to find a real friend even within ASEAN.”
~ Jakarta Post (23 Oct 04) Myanmar’s Friends

Prisoners of ‘non-interference?’
Background

The UN Secretary-General’s role with regard to Burma is defined by the UNGA. In December 1993 the UNGA requested the Secretary-General’s assistance in implementing its resolution on the “Situation of human rights in Myanmar”. This resolution urged the Burmese junta to restore democracy “in accordance with the will of the people as expressed in the democratic elections held in 1990”, to release political prisoners, and respect human rights.313

The UN Secretary-General’s role regarding Burma has always been considered to be one of “good offices”, of facilitating national reconciliation, as differentiated from the fact-finding role of the UNCHR Special Rapporteur. Since 1994 the Secretary-General has held several rounds of talks on human rights and democratization with the military regime through his representatives.

Since being appointed UN Secretary-General on 1 January 1997, Kofi Annan has pursued the work of his predecessor. In April 2000 he appointed Razali Ismail as his Special Envoy. The effort appeared to be rewarded when Daw Aung San Suu Kyi and the military regime began their “secret talks” in October 2000, for which the Special Envoy is credited as having played a “catalytic role”.314

After the regime announced its roadmap in August 2003, Kofi Annan called on the international community to help Burma democratize by 2006, when the country is scheduled to chair ASEAN.315

Kofi Annan originally welcomed the SPDC’s intention to reconvene the National Convention and draft a new constitution.316 However the Secretary-General said that for the roadmap and National Convention to be a positive step forward, the process needed to be transparent, democratic, and fully inclusive.317

Failure, Disappointment and Concern

“The efforts of the Secretary-General’s Special Envoy to persuade the Government to agree to include the NLD, other political parties and representatives of all Myanmar’s ethnic nationalities in the earliest stages of the road map process and to set a time line for the map’s implementation have not borne fruit.” ~ Kofi Annan, Nov 2003 318

Kofi Annan’s initial enthusiasm for the regime’s roadmap and national convention has now turned to disappointment and concern. The pleas of the Secretary-General for the consideration of the views of the NLD and the participation of Daw Aung San Suu Kyi on the eve of the National Convention have gone unanswered.319

In July 2004, at the XV International AIDS conference in Bangkok, Kofi Annan expressed his concern over the slow pace of democratization in Burma to Thai PM Thaksin Shinawatra.320 In a recent statement on Burma, Kofi Annan invited ASEAN countries to “take a leading role”.321

Neither the Special Envoy nor the Special Rapporteur on Human Rights for Myanmar has been allowed to visit Burma since March 2004.

The Burmese generals have not fulfilled their promises to Razali to free Daw Aung San Suu Kyi and other political prisoners, engage in meaningful dialogue with the opposition, and implement reform.

With the ouster of Gen Khin Nyunt on 19 October and the installation of Lt Gen Soe Win, diplomatic options have dramatically dwindled.

Without sufficient leverage, Razali may now face an impossible task.

“ASEAN should talk more, persuade or even cajole the government. ASEAN should also talk to the man in charge in Myanmar, the senior general, in all ways possible.” ~ Razali Ismail, July 2004

“As far as the other Asean leaders are concerned, as a Malaysian or even as a UN special envoy, I am somewhat surprised that they have not expended energy to that extent...In the case of Asean, while respecting the question of non-interference strongly, it is still possible to express your view on a particular situation.” ~ Razali Ismail, Nov 2002

1 AP (6 Jul 04) ASEAN should “cajole” Myanmar on democratic reforms, U.N. envoy says
2 Malaysiakini (12 Nov 02) Interview with Razali Ismail: Part 2
On 29 September 2004 Kofi Annan met with representatives of 12 countries, the World Bank and the UN Development Program to discuss Burma on the sidelines of the UN General Assembly. The Secretary-General urged these countries to “redouble their individual and collective efforts, and provide further support for the United Nations efforts, to move the process forward”. Annan reiterated his call to the junta to listen to the advice of friendly countries, and allow his Special Envoy to return to the country.

The tightening grip of Sr Gen Than Shwe and his hardliners on Burma, as evidenced by the sacking of ‘pragmatists’ Foreign Minister Win Aung on 18 September and of Prime Minister Gen Khin Nyunt a month later, has dramatically undermined confidence in the regime’s commitment to democratization. Kofi Annan expressed concerned over Khin Nyunt’s ouster and urged the regime to remain committed to national reconciliation, and urged the junta to resume dialogue with the opposition.

The implementation of the UN General Assembly resolutions on Burma is long overdue. It is time that the Secretary-General brings the case of Burma to the UN Security Council, and for the international community to support it.

Special Envoy Razali Ismail

From 1988 to 1998 Tan Sri Razali Ismail was Malaysia’s Permanent Representative to the UN. On 4 April 2000 he was appointed UN Special Envoy, to facilitate the implementation of UNGA resolution 54/186.

Like all previous ones from the UNGA on Burma, the resolution called on the regime to implement the results of the 1990 election and restore democracy, begin dialogue with the democratically elected opposition, and put an end to human rights abuses.

The “Secret Talks”

Razali has visited Burma 12 times as Special Envoy. He was perceived as the catalyst behind the “secret talks” between Daw Aung San Suu Kyi and the military regime which began in October 2000.

By Nov. 2002, Razali had already expressed dissatisfaction at the slow pace of dialogue and reform in Burma. "If I step down it would be because it takes too much time, and if I think I am not going anywhere with the discussions,” he said.

Depayin Massacre & its Aftermath

The Depayin Massacre was a major setback for Razali. His energies were diverted from facilitating dialogue to securing Aung San Suu Kyi’s release.

Despite Daw Aung San Suu Kyi’s detention, Razali welcomed the regime’s roadmap to democracy, unveiled on 30 August 2003. “If we can play a role to facilitate understanding of this proposal to all sides including Aung San Suu Kyi, we will do it,” said the Special Envoy.

The Special Envoy remained very supportive of the roadmap and was hopeful that Daw Aung San Suu Kyi would be released before the National Convention was reconvened on 17 May 2004. During his last visit, Razali was “encouraged by the expressions of commitment of the Prime Minister to implement, in an all-inclusive manner, the Government’s seven-step roadmap, starting with the reconvening of the National Convention”. Unfortunately, such optimism proved to be unfounded.

Criticisms & Conflict of Interest

Kofi Annan and Razali have come under pressure since the Depayin Massacre. In early 2004 a group of exiled Burmese activists wrote to the UN Secretary-General requesting him to “terminate” Razali, because he was “diffusing any international pressure that once existed after May 30th, 2003, and contributing to the myth that Burma’s regime is serious about change.”

Annan’s and Razali’s initial warm welcome of the junta’s roadmap was perceived as undermining the UN General Assembly resolutions on Burma, which call for tripartite dialogue between the military, the National League for Democracy, and ethnic nationalities.

The UN Special Envoy has also been accused of having a conflict of interest, because of his business ties with Burma. Razali is chairman and shareholder of Iris Technologies, a company which provides electronic passport services to the Burmese regime. Razali denied that such links tarnished his credibility, and added: “I would be quite happy not to be special envoy, I have other things to do in my life. I was sort of shanghaied to do this job.” Meanwhile, the UN Secretary-General has expressed confidence in the work of his envoy. In August 2004 Kofi Annan urged the Burmese regime to allow Razali "to return to Myanmar as soon as possible" to promote national reconciliation.
**Current Developments**

Razali’s over-optimism towards the “expressions of commitment” by the junta has been repeatedly met by the regime’s failure to deliver on their promises. The ouster of General Khin Nyunt represents a blow not just to the democratic aspirations of the UN but also to Razali’s credibility.

Razali had to set a new deadline for Daw Aung San Suu Kyi’s release after the National Convention started without her. Razali said the NLD leader’s detention was unacceptable and that he hoped that a timeframe would be set for her release “well before” ASEAN’s annual summit in Vientiane, Laos, in November.335

With the departure of Foreign Minister Win Aung on 18 September, and the subsequent sacking of Prime Minister Gen Khin Nyunt on 19 October, Razali’s standing with the regime may have weakened. Khin Nyunt and Win Aung were considered ‘pragmatists’, in favor of engagement with the international community, and the main interlocutors to Razali.336 Khin Nyunt was replaced as Prime Minister by Lt Gen Soe Win, a hardliner who previously expressed his opposition to talks with the NLD.337 Without the leverage of international pressure, the Special Envoy now faces an impossible task.

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314 Fifty-sixth Session, UNGA (21 Oct 01) The human rights situation in Myanmar, Report of the Secretary-General
315 AP (1 Oct 03) Annan calls for democracy in Myanmar by 2006
316 AFP (19 Dec 04) UN’s Annan welcomes democracy commitment from Myanmar
317 Sixtieth Session, UNCHR (3 Mar 04) Situation of Human Rights in Myanmar, Report of the Secretary-General
318 Fifty-eighth Session, UNGA (3 Nov 03) The human rights situation in Myanmar, Report of the Secretary-General
319 The Sunday Times, Australia (17 May 04) Annan plea for Suu Kyi
320 AP (13 Jul 04) Annan calls for faster reform in Myanmar, Thai spokesman says
321 UN, Office of Secretary-General (17 Aug 04) Press Release SG/SM/9448
322 M2 Presswire (29 Sep 04) Secretary-General pleased by constructive discussions in high-level consultation on Myanmar
323 UN Secretary-General (20 Oct 04) Press Release SG/SM/9551: Secretary-General calls on Myanmar Authorities to remain committed to national reconciliation, democratization
324 AFP (4 Apr 00) Malaysian To Be Special Envoy To Myanmar
325 All UNGA resolutions on the Situation of human rights in Myanmar are available online: www.ibiblio.org/obl/docs/Resolutions-GA.html
326 A detailed chronology of the talks is available online at www.irrawaddy.org
327 Malaysiakini (12 Nov 02) Interview with Razali Ismail: Part 2
328 Commission on Human Rights, Sixtieth Session (3 Mar 04) Situation of human rights in Myanmar, Report of the Secretary-General
329 AFP (8 Sep 03) UN envoy’s Myanmar trip delayed, says give junta plan a chance
330 UN Press Release SG/SM/9183 (5 Mar 04) Following Meetings in Myanmar, Secretary-General’s Special Envoy stresses need for all parties to turn over new page. from 1 to 4 March 2004
331 International Campaign for Democracy in Burma (5 Jan 04) Letter to Kofi Annan – Call for UN Secretary General to Terminate Special Envoy to Burma
332 Inter-Press Service (14 Aug 04) U.N. envoy hampering Burma’s freedom?
333 Malaysiakini (12 Nov 02) Interview with Razali Ismail: Part 2
334 AP (18 Aug 04) Annan calls for immediate release of Myanmar opposition leader and urges government to demonstrate commitment to restore democracy
335 AP (18 May 04) U.N. envoy condemns Suu Kyi detention; seeks Indian, Chinese help to deal with Myanmar
336 Bangkok Post (18 Sep 04) Gen Than Shwe has styled himself a monarch; there are rifts between the top generals, and Prime Minister Khin Nyunt fears for his life
337 AFP (20 Oct 04) Myanmar’s hardliners extend control after shock PM sacking
NCUB, NCGUB & the Movement

The National Council of the Union of Burma (NCUB) and the National Coalition Government of the Union of Burma (NCGUB) constitute the broadest representation of groups from Burma.

The NCUB was formed in 1992 as an umbrella organization of Burman and non-Burman ethnic nationality groups. It comprises ethnic nationality opposition groups, such as the Karen National Union, Burman and non-Burman political parties, the National League for Democracy-Liberated Area (an organization distinct from the NLD, formed in 1991 by NLD members in exile) and elected MPs. NCUB aims to bring about democracy and a Federal Union in Burma, where equality between ethnic nationalities is guaranteed.

The NCGUB is a government-in-exile, which was formed in December 1990 following the regime’s refusal to convene Parliament and the severe crackdown on the National League for Democracy (NLD) and other political parties.

Solidarity organizations for Burma

The pro-democracy movement is supported by scores of organizations around the world that advocate for non-violent, political solutions.

The pro-democracy movement has widely condemned the roadmap as a tool to legitimize military rule. The regime’s systematic human rights abuses, undemocratic National Convention, military offensives in ethnic nationality areas and refusal to allow an independent investigation of the Depayin Massacre continue to attract criticism.

It is in the nature of a pro-democracy movement to generate debate and include dissenting voices. A minority of voices has questioned the NLD leadership. However the NLD received a clear mandate from the people of Burma in the 1990 elections. Repression against the NLD and the detention of its leaders continue to hinder the party’s internal debates and policy-making, as well as its communication with the international community. Hence the release of political prisoners and political parties’ freedom to operate remain a priority for the movement and its supporters.

The party’s legitimacy was reaffirmed by the strong popular support shown during Daw Aung San Suu Kyi’s tours across Burma, from the day of her release on 6 May 2002 to the Depayin Massacre on 30 May 2003.

The Burmese pro-democracy movement works in close collaboration with civil society solidarity groups worldwide. Together, they present a coherent and consistent set of demands to the international community and the military regime, with the aim of achieving National Reconciliation and democracy in Burma:

- The unconditional release of Daw Aung San Suu Kyi, U Tin Oo, and all political prisoners, and freedom for political parties to operate normally.
- The recognition and implementation of the 1990 election results.
- The declaration of a nationwide ceasefire to pave the way for tripartite dialogue between the regime, ethnic nationalities and the NLD.
- The implementation of the UN-sponsored initiative to restore democracy in Burma, as detailed in successive UNGA annual resolutions.
- The creation of a Federal Union of Burma that will uphold equality between all ethnic nationalities.
- The utilization of diplomatic and economic sanctions to pressure the SPDC to implement reforms.
- The disqualification of Burma from chairing Asean in 2006 unless decisive political and economic reforms take place.

* The most comprehensive statements are NCUB and NCGUB (30 Oct 03) Joint Policy Declaration, available online at www.ncub.org, and the Declaration of the Regional Strategy Meeting, www.ibiblio.org/obl/docs/June-8-decl.htm

338 NCUB www.ncub.org
339 NCGUB (31 Aug 03) NCGUB Says Military’s ‘Democracy’ Plan ‘Nothing More Than Political Ploy’ and Irrawaddy (3 Sep 03) Revisiting the National Convention
INTERNATIONAL INITIATIVES: STRENGTH ELICITS RESULTS

ILO Actions

The ILO’s approach on Burma is a useful case study for international action on Burma, as the SPDC has consistently been responsive to their efforts.

In late 2000, just as the organization threatened to invoke section 33 of the ILO Constitution, which threatens boycotts from international trade unions, the SPDC publicized and strengthened a legal order banning forced labor. Secret talks with Daw Aung San Suu Kyi began at the same time, and many attribute the prospect of ILO sanctions as a “primary factor in forcing the regime to take this step.”

In October 2002, one month before an ILO Governing Body Meeting, the SPDC permitted the ILO’s Burma representative to begin work in Rangoon. Since then, the ILO-Burma relationship has been one of small concessions ‘coincidentally’ exacted before meetings of the ILO Governing Body.

In 2004 the relationship between the regime and the ILO was again under pressure after the ILO learned that three people had been sentenced to death in November 2003 for contacting the organization. Pressure from the ILO in early 2004 forced the regime to commute the sentences to life imprisonment for one prisoner and three years in jail for the other two.

Pressure Leads to Change

The SPDC has also been responsive to US pressure.

US sanctions attached to the Financial Action Task Force (FATF) designation of Burma as a country of primary money laundering concern have produced an SPDC inquiry into two private banks; the implementation of the 2002 Anti-Money Laundering Law; and the creation of a Central Control Board on Money Laundering. Threats of additional sanctions tacked to human trafficking standards also elicited the introduction of three new trafficking liaison offices in September 2004, thus indicating that the junta continues to be sensitive to international pressure.

Hesitancy towards pressure-based initiatives is ineffective in eliciting change from the generals. Former Foreign Minister Win Aung’s attendance at the Bangkok Process in December 2003 was based upon the assurance that he would not face criticism, yet brought no improvement: only a...

“...every time a foreign government condemns human rights in Burma, the regime loses face in front of its own population, and that’s important.” – Rangoon Diplomat

The SPDC’s heightened rhetoric on pressure-based initiatives highlight its vulnerability to international pressure.

The recent consolidation of the hardliners increases the urgency for firm and coordinated initiatives to begin reforms. The international community did not effectively utilize pressure when it was most likely to succeed. Now, even more pressure will be needed than previously. Hardliners respond to firmness, not flexibility.

Initiatives that pander to SPDC demands of non-criticism and cooperation, such as the Thai-backed ‘Bangkok Process,’ have brought little resultant change. After former Burmese Foreign Minister Win Aung cancelled the second round of meetings in April 2004, he told one Thai diplomat that they “...don't want any more pressure, recommendations or advice. They want to settle their own problems by themselves without external interference.”

International pressure has been historically proven to elicit responses from the SPDC. The SPDC is most responsive to strong initiatives, particularly those that threaten punitive actions or targeted sanctions. Threatened International Labor Organization (ILO) sanctions and US sanctions pinned to money laundering and human trafficking standards have produced results, such as the admission of an ILO Liaison Officer and improvements to Money Laundering and Anti-Trafficking laws.

1 AFP (19 Apr 04) Myanmar backing out of April international talks on reform plans
2 www.tradeunions-burma.org/ilo/iloandburma.htm and Kyodo News (13 Sept 04) Myanmar to open liaison offices to fight human trafficking
refusal to attend the second round of talks. Such initiatives do not hit the SPDC’s pressure points and instead pamper the regime, buying them time to consolidate power internally. Since being welcomed into ASEAN in 1997, Burma has not integrated with regional or international norms and has rejected countless overtures. Contrary to this approach, Malaysian Prime Minister Dr Mahathir Mohamad’s calls for Burma’s expulsion from ASEAN in mid-2003 were fundamental in instigating the SPDC’s, albeit limited, roadmap.346

Countries that have adopted a moderate position towards Burma can no longer afford to believe that unconditional engagement is desirable. Countries like India and China who have, for years, offered arms and investment to the regime in order to appease them are now feeling the brunt of their own short-sightedness through mounting narcotics problems, HIV infection rates and displaced persons: problems that largely persist as a result of the SPDC’s oppressive rule.

Strong international pressure also encourages involvement from other actors. In this way, sanctions have been helpful in impelling ‘quiet diplomacy’ actors to engage in the process. The Malaysian Parliamentary Caucus on Burma, a body established in May 2004 to push for democracy in Burma, has facilitated the growth of pro-democracy supporters among ASEAN parliamentarians, thereby generating regional momentum for change.347

Other international efforts involving high profile individuals may not have induced particular reforms but are nonetheless instrumental in enhancing international awareness and support. The 1993 attempt by Nobel Laureates to visit Daw Aung San Suu Kyi, despite being thwarted by the SPDC, raised international outcries from the public. In turn, this contributed to the international censure that the generals wish to avoid.

Experience has also shown that once pressure on the SPDC eases, the generals will undoubtedly backtrack, further showing that sustained pressure is the most effective means of eliciting a response from the generals.

Other expressions of international censure have also proven to solicit responses from the SPDC. After the 2003 Depayin attack, international pressure resulted in permission for UN Special Envoy Razali Ismail to visit Daw Aung San Suu Kyi, her transfer from Insein Prison to a ‘more comfortable location’ and the junta’s “Roadmap.”

“If the SPDC was truly immune to world public opinion” these changes would not have occurred: US Senator Mitch McConnell3

340 www.tradeunions-burma.org/ilo/iloandburma.htm
341 Irrawaddy (May 2001) Sanctions Revisited
342 Amnesty International (Apr 04) The Administration of Justice: Grave and Abiding Concerns
344 AFP (13 Sep 04) Myanmar announces new moves to battle human trafficking
345 AFP (8 Dec 03) Myanmar to attend international forum on democracy “roadmap”: Thailand
346 BBC News (24 Jul 03) Burma told to release Suu Kyi
347 New Straits Times (25 May 04) Panel on Myanmar dispute
ECONOMIC SANCTIONS: A CONSEQUENCE OF THE REGIME’S INFLEXIBILITY

More Sanctions after Depayin

International pressure has mounted significantly following the May 2003 attack on Daw Aung San Suu Kyi and NLD supporters in Depayin.

US sanctions were strengthened dramatically. Under the Burmese Freedom and Democracy Act, all imports from Burma were banned, as were US financial services to Burma. In addition, the US’s veto power on financial support to Burma was also extended. The Act extended visa bans to include SPDC institutions and upper level members of the SPDC and the notorious USDA. Led by Sr Gen Than Shwe, the USDA has become a target of sanctions because of its violent strategies to against democracy activists. [see Depayin Massacre]

At the same time, the European Union extended its visa ban and assets freeze, suspended all non-humanitarian aid and development programs and strengthened enforcement on their existing arms embargo. On 11 October 2004, the European Union also tightened its sanctions to include a ban on financial loans or investment in state-owned enterprises, an extended visa ban and extended veto power for loans from international financial institutions. The sanctions are a direct consequence of the junta’s refusal to stop the political deterioration started by the Depayin Massacre.348

Canada also excluded Burma from their Least Developed Country (LDC) Market Access Initiative that eliminates most duties and quotas on imports.

A Last Resort

These sanctions were imposed as a last resort when it became painfully clear that diplomatic engagement was unable to ensure delivery of genuine reform. Sixteen years of unqualified international engagement have not brought sustainable positive results. The only moves the regime have made towards a political settlement have been in response to international pressure. The lesson is clear: “The world's democracies and Burma's neighbors must press the junta until it is willing to negotiate an irreversible transition to democratic rule.”349

In December 2003, the Japanese Government resumed ODA to support “signs of progress toward democratization.” Thai PM Thaksin Shinawatra used intense business and diplomatic engagement and attempted to ease international pressure on the regime only to be publicly embarrassed when the regime did not honor their

“The regime itself is the greatest sanction imposed on Burma. It is the mismanagement of Burma’s economy and lack of political reform by the military that is creating appalling suffering for the people in the country.” ~ John Jackson, Burma Campaign UK

As a result of the Depayin Massacre in May 2003, the United States adopted the Burmese Freedom and Democracy Act, which placed an import ban on all Burmese products. The U.S also froze the assets of SPDC institutions and senior members of the SPDC and the USDA. They have imposed a ban on financial remittances and have expanded the visa ban on SPDC and USDA officials.

In 1986 the Asian Development Bank (ADB) cancelled loan privileges to Burma because the generals defaulted on loans worth USD 55 million.1

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Secondary aspects of US sanctions impose a ban on certain financial relations between U.S and Burmese financial institutions. The US imposed these sanctions as a result of Burma’s designation as a country of Primary Money Laundering Concern by the Financial Action Taskforce in November 2003. The junta’s appalling anti-money laundering standards were described as offering a “haven for easy incorporation of illicit proceeds into the mainstream Myanmar economy.”2

1 Altsean Burma (Nov 03) Ready Aim Sanction
2 Altsean Burma (Nov 03) Ready Aim Sanction, Quoting the Journal of Money Laundering Control
commitment to the ‘Bangkok Process’ or include Daw Aung San Suu Kyi and the NLD in the national convention.

The more accommodation the regime gets, the more oppressive their actions become.

The ILO

An examination of the regime’s relations with the ILO is an excellent example of the fact that the SPDC is most responsive to pressure:

Jun 2000 The ILO recommends that ILO members ‘review’ their relations with Burma to ensure they did not contribute to forced labor.

Late 2000 Just weeks before the ILO is to vote on taking measures against Burma, the SPDC entered into secret talks with Daw Aung San Suu Kyi.

Nov 2000 The ILO makes an unprecedented decision to invoke Article 33, putting the SPDC at risk of disinvestment and bans from international trade unions.

Nov 2000 The SPDC “categorically rejects the decision...Myanmar will cease to cooperate with the ILO.”

May 2001 The Myanmar Chamber of Commerce and Industry writes a letter pleading with the ILO not to impose further sanctions.

Sep 2001 The SPDC ‘changes their minds’ and allows a high-level team to assess the situation, conveniently just prior to the ILO Governing Body Meeting in November.

Oct 2002 One month before the ILO Governing Body Meeting, the SPDC allows the ILO Liason Officer’s mandate to begin.

Mar 2003 ILO Liason Officer Ms Hong-Trang Perret Nguyen says there “has not been significant progress” on forced labor conditions in Burma.

May 2003 ILO says the upcoming International Labor Conference would be the SPDC’s ‘last chance’ to produce a meaningful action plan. 2 weeks before the conference, the SPDC agreed to a facilitator to assist ‘possible victims’ of forced labor to seek compensation.

Threats from the International Labor Organization (ILO) to impose sanctions under Article 33 of the ILO Convention are specifically attached to the SPDC’s violations of Convention standards and refusal to improve forced labor.

EU sanctions are similarly tied to standards of forced labor, democratization and human rights.

Experience indicates that once pressure on the SPDC eases, the generals will undoubtedly backtrack, further showing that sustained pressure is the most effective means of eliciting a response from the generals. The full breadth of political, diplomatic and economic levers is needed to implement change.

Experience has also shown that once pressure on the SPDC eases, the generals will undoubtedly backtrack, further showing that sustained pressure is the most effective means of eliciting a response from the generals:

- While the SPDC allowed the appointment of an ILO Liason Officer in September 2001, it was not until increased pressure was imposed in the weeks before the ILO Governing Body meeting that she was allowed to begin fulfilling her mandate.

- The SPDC introduced an Anti-Trafficking Law in 2002, but it was not until the US threatened further sanctions in 2004 that they moved to implement it.

While the opacity of the regime’s administration makes it extremely difficult to obtain precise economic figures that represent the actual effects of
sanctions, a useful barometer can be based on the prolific outcries against them. Similarly, when the generals welcome conciliatory moves, it is clear that initiatives bring no impetus for change.\textsuperscript{352}


“The United States is trying to put the government and the people in a dilemma by imposing economic sanctions. But there is no need to worry. With firm conviction and unity, we will strive hard to realize our objectives.” - (then Lt Gen) Khin Nyunt\textsuperscript{353}


“The economic sanctions --unilateral actions taken by major powers on other countries, violate the UN charter and the international code of conduct. The sanctions are aimed at causing hardship among the people, which could result in chaos and anarchy” - PM Gen Khin Nyunt.\textsuperscript{354}

2004 US threatens to impose sanctions on trafficking.

“Western countries, without having any consideration upon Myanmar and its people, were committing destructive acts...With wicked schemes, Western nations are constantly waiting for a chance to disturb the country so that they can wield their influence on Myanmar.” - PM Gen Khin Nyunt\textsuperscript{355}

U.S Sanctions on Money Laundering

On 3 November 2003, the Financial Action Task Force (FATF) named Burma as a Non-Cooperative Country or Territory because the generals failed to implement any effective anti-money laundering mechanisms.

As a result of this designation, on 18 November 2003, the Secretary of the US Treasury designated Myanmar Mayflower Bank (Myanmar Bank) and Asia Wealth Bank as financial institutions of primary money laundering concern, in addition to naming Burma as a jurisdiction of primary money laundering concern.

The more recent types of sanctions imposed on the regime seem to have elicited a far greater response than previous initiatives. Indeed, the regime seems to have devoted far more energy on the post-Depayin US and EU sanctions than any other initiative to encourage reforms.

The regime had previously been defiant when faced with weaker forms of pressure. The SPDC’s heightened protests in the past year have helped analysts gauge the effectiveness of the latest bans.

Criticisms of sanctions on Burma overlook the institutional characteristics of the Burmese economy.

The informal sector, which is largely village-based, focuses on subsistence agriculture and represents the majority of the population, has little connection to international trade.

In contrast, the formal sector, which is dominated by the SPDC and concentrated in highly lucrative sectors such as logging, mining, petroleum, manufacturing, finance and banking, is more reliant upon access to the international market.

Claims over mass factory closures have been overstated, sensationalized and deliberately ignore the closures that resulted from the banking crisis that occurred in early 2003.

Under section 5318A, Title 31 of the U.S Code and section 311 of the U.S PATRIOT Act, this designation authorizes the U.S Financial Crimes Enforcement Network (FinCEN) to impose ‘special measures’ upon banking institutions in Burma.\textsuperscript{356}

This designation deepened US sanctions on Burma by prohibiting a wider range of economic transactions between US financial institutions and those in Burma.
Certain U.S. financial institutions are now prohibited from maintaining, in the United States, correspondent or payable through accounts, for the Mayflower Bank, the Asia Wealth Bank and any Burmese banking institution. The designation directly responded to sub-standard money laundering controls in Burma that facilitated links between financial institutions and the drug trade. Sanctions on Burma are in place, not because of a vindictive international community, but as a result of the SPDC’s inflexibility and the lack of regulatory oversight in the financial system.

Criticisms against Sanctions

Sanctions on Burma have attracted criticism that focuses on the burden sanctions purportedly impose on ordinary people, particularly on their employment and income. This criticism alleges that sanctions ‘miss their target’ and have minimal impact in persuading the SPDC to change.

Such criticisms overlook the institutional characteristics of the Burmese economy. The formal sector of Burma’s economy stands in sharp contrast to its informal sector. The informal sector, which is largely village-based, focuses on subsistence agriculture and represents the majority of the population, has little exposure to external markets. In contrast to this, the formal sector, which is dominated by the SPDC and concentrated in highly lucrative sectors such as logging, mining, petroleum, manufacturing, finance and banking, is comparatively more reliant upon external access. Apart from labor, little is sourced locally and formal sector employment is limited. The informal sector remains fairly insulated from sanctions, while the formal sector and its military beneficiaries have felt the brunt of sanctions.

Job Losses and Factory Closures

While sanctions have undoubtedly impacted upon labor and employment, the claims have been overstated and sensationalized. Claims over mass factory closures are shortsighted and ignore the effects of the 2003 banking crisis.

- The brunt of factory closures occurred prior to the imposition of US sanctions as a result of the banking crisis, which saw irresponsible lending result in a run on the banks and undermined confidence in the financial system.

- Allegations that over 400,000 workers lost their jobs as a result of the sanctions are a wild overstatement.

- When the sanctions hit, there were only about 200 factories (primarily SPDC-backed) left in the garment industry, which hired less than 200,000 factory workers.

WTO Quotas

Critics ignore the fact that the lifting of the WTO quotas would have drawn most garment factories away from Burma regardless of the sanctions. On 1 January 2005, the World Trade Organization (WTO) Agreement on Textiles and Clothing will be terminated and bilateral quotas will be removed (for all countries).

Much of the international community is bracing itself for Chinese dominance as this will remove restrictions on China’s garment textile exports. Businesses are already flocking to China for its cheap labor and production costs. Countries as far away as Latin America will feel the effects of the quota lift; these impacts are by no means limited to Burma.
WHO NEEDS THE RULE OF LAW?

No judicial independence

The judiciary in Burma is subservient to the military. It retains none of the independence that legal systems require to operate as a check against a government’s exercise of power.

Before 1962, Burma’s legal system, particularly its appellate jurisdiction, was highly valued as an independent body. After 1962, the Supreme and High Courts were replaced with a single Chief Court of Burma, thereby eliminating much scope for appeal. In 1972, the Chief Court was renamed the Supreme Court, and changed to the Supreme People’s Court in 1974.362

After 1962, courts were staffed by retired officers from the Judge Advocate General’s Office. The Judicial System was placed under the Ministry of Judicial Affairs, thereby assimilating it into military rule.

In 1989, 62 Supreme Court Judges were sacked after they refused to comply with SLORC orders to impose sentences longer than legally permitted. In one case, a judge reportedly told the family of a defendant that he had “no power to determine the outcome of the case as he was obliged to take his instructions from officials of military intelligence.” Similarly, the SLORC ordered the closure of all courts in the country between 1 June 1988 and 31 March 1989 to suspend the trials of all people involved in the 1988 pro-democracy demonstrations.363

The position of defense lawyers has also been undermined by the military’s dominance of the legal system. Lawyers inside Burma have been persecuted by the military regime if they defend political prisoners. Many defense lawyers are reportedly “too scared to file… petitions on behalf of their clients,” thereby undermining the morale, professional standards and advocacy skills available in the legal community.

Military Justice

Under the SLORC/SPDC’s Martial Law, a tribunal consisting of three military officers, one lieutenant colonel and two junior military officers must hear alleged violations of the martial law.365

There have been no reported instances of an acquittal by a military tribunal. There are no rights of appeal, witnesses can be dispensed with and convictions can be obtained without hearing prosecution witnesses under Martial Law Order No. 2/89.
Little respect for their own laws

The SPDC has continually shown its disregard for even military promulgated laws. In his 1996 report to the Commission on Human Rights, the UN Special Rapporteur said the Burmese legal system operated outside the “due process of law.”

Section 2(c) of the SLORC/SPDC’s Law No. 2/88 on the Law of the Judiciary says “justice will be dispensed in an open court unless otherwise prohibited by law.” However, judicial proceedings are frequently held in prisons, with the accused having no access to legal counsel, and the trial judge is prohibited from informing family members or lawyers of the proceeding’s outcome.

Section 340(1) of the Code of Criminal Procedure (Act V of 1898) which provides that “any person accused of an offence before a Criminal Court…may of right be defended by a pleader (i.e. by a lawyer)” Yet Amnesty International, after its most recent visit to Burma, listed prolonged interrogation, torture, incommunicado pre-trial detention, denial of access to lawyers, families and adequate medical care, and the prohibition of challenging the legality of detention as examples of the SPDC’s violation of their own laws.

The absence of the rule of law also has serious impacts on business agreements in Burma. One notable case is that of the Mandalay Brewery, where a USD 6.3 million stake was seized by Sr Gen Than Shwe despite a legal agreement allowing the investment.

A recent example of the regime’s failure to abide by their own procedures is that of Zaw Thet Htwe and the ILO 3 [see Repression of Activists].

Selective Prosecution

Burma’s legal system has pursued a trend of selective prosecution, further undermining both respect for the law and the utility of the legal system. The Shan Women’s Action Network has reported that of the 173 cases of rape against ethnic women in rural areas documented in their 2002 report *Licence to Rape*, only one offender faced prosecution. Yet earlier this year, four men were arrested and imprisoned for two and a half years after being accused of ‘chatting up two girls’ in Rangoon.

Similarly, the SPDC has diverged in its policy of persecuting narcotics traffickers, with highly publicized sentences regularly imposed on small time offenders, while the big guns avoid prosecution altogether.

364 U Aung Toe, Chief Justice of the Supreme Court (May 1996)
366 UN Special Rapporteur to Burma (1996) Report to the Commission on Human Rights
369 e.g. see the Central Committee for Drug Control web site for examples of arrests and sentences for narcotics offenders: www.ccdac.gov.mm
REPRESSION OF PRO-DEMOCRACY ACTIVISTS

Depayin Massacre & Aftermath

An estimated 282 democracy supporters were killed and 124 were arrested on 30 May 2003 in Depayin, during a public tour of Daw Aung San Suu Kyi and the National League for Democracy (NLD) in Sagaing Division, northern Burma. The attack was organized by the local authorities and the Union Solidarity Development Association (USDA), a mass organization led by the generals.

At least 132 additional people have been arrested in connection with this event since then.370

NLD offices are still closed down countrywide, with the exception of the headquarters.

Daw Aung San Suu Kyi and U Tin Oo are still in detention. There is no indication of when they will be released.

The regime claims it released 151 people arrested in relation to Depayin Massacre, but the condition of their release is not known. Most have been imprisoned for over 6 months.371

According to the government-in-exile the regime released 149 people, and 107 people arrested in connection to Depayin are still in detention.372 [See Depayin Massacre]

Recent Cases of Arbitrary Detention

- Nov 2003: Two nuns are sentenced to 13 years imprisonment for demonstrating in front of Rangoon City Hall earlier in September.373

- 21 Feb 2004: 6 students are sentenced to 7 - 17 years' jail for organizing a Students' Union and distributing leaflets critical of the junta's roadmap.374

- Apr 2004: 11 NLD members are given prison sentences ranging from 7 to 22 years by a “special tribunal” inside a prison in Mandalay Division. They had no access to legal counsel, and were condemned for alleged contact with illegal organizations.375

- Jun 2004: Nine NLD youth are arrested and detained for eight days for distributing the Universal Declaration of Human Rights in the streets of Rangoon.376

At least 1,425 political prisoners, most of them prisoners of conscience, are still in detention.1

Over 25 political prisoners, including 2 MPs, remain in prison despite their sentence being completed.

15 Members of Parliament are still behind bars. Recently, an MP was sentenced to 7 years' jail for riding a motorcycle without a licence.

102 political prisoners are in a critical health condition.2

At least 86 political prisoners died in custody since 1988.

“The grounds for arresting these individuals remain highly arbitrary, based on the legislation criminalizing the exercise of basic rights and the freedoms of expression, information, movement, assembly and association.” ~ UN Special Rapporteur Sergio Pinheiro 3.

1 AAPPB (21 Sep 04) Data – Political Prisoner List available online: www.aappb.net
2 AAPPB (5 Oct 04) Political Prisoners’ Health in Burmese Prisons
3 UN Commission on Human Rights, Sixtieth Session (5 Jan 04) Situation of human rights in Myanmar, Report Submitted by the Special Rapporteur Paulo Sérgio Pinheiro
• 23 Sep 2004: 4 NLD members are sentenced to 7 years’ imprisonment for allegedly having contact with illegal organizations. The trial, held in Insein Prison, relied only evidence produced by the military intelligence.379

Special Rapporteur on Myanmar Paulo Sergio Pinheiro recently expressed fatigue and frustration at the lack of goodwill on the part of the regime regarding political prisoners. “I cannot continue requesting indefinitely the immediate and unconditional release of all political prisoners” he told the UN Commission on Human Rights (UNCHR) in March 2004. He also called on the Commission “to strengthen the credibility of its special procedures”.380

In his August 2004 report to the UN General Assembly UN Special Rapporteur Sergio Pinheiro once again expressed regret at the slow pace of release of political prisoners.381

According to the Association Assistance for Political Prisoners – Burma (AAPPB), the SPDC continues to “use the release of political prisoners as a bargaining tool for easing international pressure and delaying the national reconciliation process”.382 The latest example was the release of five political prisoners on the eve of the last visit of UN Special Envoy Razali in early March.383

Pressure Works: Zaw Thet Htwe & the “ILO 3”

On 28 November 2003 nine people were sentenced to death for high treason by a Rangoon District Court. They were accused of having planned the bombing of five sites in Rangoon on Martyrs’ Day (July 19), and an assassination attempt against senior military officers. One of the accused, Zaw Thet Htwe, was arrested on 17 July 2003 during a raid by the Burmese Military Intelligence on the office of the weekly sports newspaper First Eleven, of which he was editor. The rest of the accused were also arrested in mid-July. [For more background information on the case of Zaw Thet Htwe please consult the Press Freedom Denied Briefing].

According to the Burma Lawyers’ Council several breaches of procedure occurred during the trial and no independent witnesses or admissible evidence were presented.384 Amnesty International also expressed concern that the trial wasn’t fair.385 Some of the accused were seemingly convicted only for having links with political organizations in exile.386

During their arrest some of the accused were tortured and deprived of food and water for days.

International concern was heightened in March 2004 after the International Labor Organization (ILO) received a copy of the court judgment. In it was evidence that three people, namely Aye Myint, Min Kyi, and Shwe Mahn, had been convicted on the grounds of their contact with the ILO. In a letter to the junta’s Minister of Labor dated 12 March 2004 the ILO stated that the whole relationship of the regime with the international organization was threatened by “the notion that contacts with the ILO could constitute an act of high treason”.387

According to the ILO, the only valid motive for convicting Shwe Mahn would be the possession of an unregistered satellite telephone, which he had used to contact the Federation of Trade Unions-Burma (FTUB) to transmit information regarding workers rights. Min Kyi and Aye Myint only had contacts with Shwe Mahn regarding workers’ rights, and hence there were no grounds under which to convict them.388

On 12 May 2004, following international pressure, the Supreme Court commuted the death sentences of the nine accused. The sentence of Zaw Thet Htwe, Aye Myint and Min Kyi and another were reduced to three years’ imprisonment, while five others, including Shwe Mahn, were handed a life imprisonment sentence.389

In August 2004 the “ILO Three” and the six other accused launched a new legal appeal to have the case completely dropped.390 On 23 September 2004 the Special Appellate Bench of the Supreme Court
allowed a special appeal to go forward. Analysts claim this decision was unprecedented, and that pressure from the ILO and Reporters without Borders may have played a part.391

On October 14 the Supreme Court commuted the sentences of five of the nine accused. One man’s life term was reduced further to five years, while four others had their prison term reduced from three to two years, including editor Zaw Thet Htwe. Four people did not succeed in obtaining reduced sentences, and continue to serve their life imprisonment term.392

Recent Arrests of MPs

Sep 2003: U Aung Soe Myint, an elected representative from Taungoo, Pegu Division, is sentenced to seven years’ imprisonment for riding a motorcycle without license. His appeal is rejected on 3 November 2003.393

16 Aug 2004: Than Htay, a NLD MP from Lashio-2 Constituency in Shan State, was arrested for actively participating in the nation-wide petition campaign to release Daw Aung San Suu Kyi. He had been pressured to resign from the party since the beginning of the year.394

There are currently 15 Members of Parliament detained, two of them beyond the completion of their sentence.

Detained Beyond Their Sentences

Around 25 political prisoners are currently detained beyond the end of their sentence. The junta uses Article 10(a) of the 1975 State Protection Law, which can sentence without trial anyone deemed a threat to the security of the state to a maximum of five additional years of imprisonment beyond an initial sentence.395

The most famous case involves Min Ko Naing, an outstanding student leader at the time of the 1988 pro-democracy demonstrations, and chairman of the All Burma Federation of Student Unions (ABSFU). Min Ko Naing was sentenced to 10 years in jail in 1989 and still remains in prison.396

Recent cases include U Shwe Tin, who on 28 January 2004 died of cancer while detained beyond the end of his 10 year sentence. He was arrested in 1994 for alleged contacts with members of the then defunct Burma Communist Party.397

Most recently, two NLD MPs due to be released in July 2004 were kept in prison under the infamous Article 10(a). Dr. Than Nyein from Kyaung Tan Township, Rangoon Division, and Dr. May Win Myint from Ma Yang Gone Township were arrested on 28 October 1997 for helping Daw Aung San Suu Kyi organize a trip to Ma Yang Gone Township.398

Deteriorating Health

Because of poor detention conditions, lack of attention paid to the health of prisoners, and torture, at least 86 political prisoners have died while in custody since the pro-democracy demonstrations of 1988.399

On 12 June 2004 U Min Thu, a lawyer detained since 1998 at Insein Prison, died of heart disease. He was arrested for contributing to a work on the history of student political activism.400

In his 30 August 2004 report to the UN General Assembly Special Rapporteur Sergio Pinheiro said around 50 political prisoners were in poor health. However further research findings by AAPPB published a month later stated that at least 102 political prisoners were in a critical health condition.401 In a report released in April 2004 Amnesty International expressed concern at the lack of health care received by political prisoners, and at the harsh prison conditions, which create or amplify health problems of prisoners.402

For example, Dr. Than Nyein is 67 years old, currently suffers from gastric ulcer, a liver condition, and nerve damage. He started a solo hunger strike to protest his detention on 19
Elected Ethnic MP Threatened

Elected MPs from ethnic nationality parties are also under constant pressure by the military regime.

On 29 May 2004 Shan Nationalities League for Democracy (SNLD) Vice Chairman and elected MP Sai Tun Aung resigned from his position under pressure from the Burmese Military Intelligence. The regime boasted in the New Light of Myanmar that Sai Tun Aung had resigned because he was opposed to his party's boycott of the National Convention, but friends say he was forced to sign a letter of resignation after threats to his family and business.

370 Radio Free Asia (5 May 04) Burmese Crackdown Said To Have Killed 282; DVB (5 July 03) Depayin victims latest
371 BBC Monitor (25 Jan 04) Burmese government claims 151 democracy party detainees freed
372 NCGUB Information Unit (4 Oct 04) Political Prisoner Summary
373 DVB (13 Nov 03) Nuns given 13 years each for protesting in front of Rangoon City Hall
374 NCGUB East (22 Feb 04) One NLD Youth Member Lost Consciousness due to Barbaric Torture by Authorities
375 Narinjara News (29 Apr 04) Long-term jail sentenced to 11 NLD members by Burma military government Dhaka
376 AP (7 Jun 04) Myanmar junta frees nine who were arrested last week for distributing leaflets
377 BBC (2 Aug 04) Two Democracy League members sentenced to seven year jail
378 AAPPB (23 Sept 04) Information Release
379 Irrawaddy (24 Sep 04) Opposition Members Receive Long Sentences
380 UNCHR, Sixtieth Session (26 Mar 04) Situation of human rights in Myanmar, Statement by Mr. Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar
381 UN General Assembly, Fifty-Ninth Session (30 Aug 04) Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar
382 Irrawaddy (5 May 03) Dr Salai Tun Than and Others Released
383 RSF (10 Mar 04) Two journalists released at the end of their sentences, Journalist Win Tin will spend his 74th birthday at Insein prison
384 Burma Lawyers’ Council (9 Mar 04) Urgent Appeal by the Burma Lawyers’ Council on behalf of Nine Innocent People Condemned to Die
385 Amnesty International (April 04) Myanmar: The Administration of Justice - Grave and Abiding Concerns

386 Irrawaddy (2 Dec 03) Nine Given Death for Treason
387 Amnesty International (April 04) Myanmar: The Administration of Justice - Grave and Abiding Concerns
388 ILO Liaison Officer Richard Horsey (25 May 04) Letter dated 25 May 2004 from the Liaison Officer a.i. to the Myanmar Minister for Labour
389 Reporters Without Borders (18 May 04) Sports journalist Zaw Thet Htwe has death sentence commuted
390 Reuters (23 Sep 04) Myanmar Supreme Court allows “unprecedented” appeal
391 Reuters (23 Sep 04) Myanmar Supreme Court allows “unprecedented” appeal
392 AFP (15 Oct 04) Jail terms cut of five Myanmar men formerly on death row for treason
393 DVB (11 Nov 03) U Aung Soe Myint appeal rejected again
394 DVB (18 Aug 04) NLD MP U Than Htay arrested
395 AAPPB (updated 25 Sep 04) Data – Prisoners held under Article 10(A)
397 DVB (2 Feb 04) Burmese political prisoner dies in detention
398 AAPPB (7 Aug 04) Two Parliament Members Were Not Released and Were Detained Even Though They Have Completed Their Sentences
399 DVB (2 Feb 04) Burmese political prisoner dies in detention
400 AAPPB (14 Jun 04) Message about U Min Thu, a Political Prisoner, Jail Registration no. 1713-C, Passing Away
401 AAPPB (5 Oct 04) Political Prisoners’ Health in Burmese Prisons
402 Amnesty International (April 04) Myanmar The Administration of Justice – Grave and Abiding Concerns
403 Irrawaddy (28 Sep 04) Jailed MP moved to Rangoon hospital
404 Irrawaddy (8 Jun 04) Ethnic Leader Forced Out
ABUSES AGAINST ETHNIC NATIONALITIES

Violations Undermine Ceasefire Talks

Civilian ethnic populations have been systematically manipulated as part of the SPDC’s ceasefire processes. The current KNU ceasefire talks are no exception. Even while Gen Khin Nyunt was PM, the regime tended to abuse the conditions of ceasefire agreements. With the hardliners now in total control, it is likely that ceasefires may be abandoned in favor of a zero tolerance strategy against ethnic resistance groups. This would lead to a greater humanitarian disaster in Burma’s border areas.

On 10 December 2003, the KNU agreed to a verbal ceasefire with the SPDC. Gen Bo Mya reported that “During the negotiations, Khin Nyunt confirmed that there will be no more military pressure on minority groups from now on and repeated that there will be no more fighting”.

Only 17 days later, the KNU had already documented numerous violations in Karen areas. Abuses committed by the SPDC include forced labor, destruction of homes, forced relocation, looting of property, threats and beating of villagers.

Since December 2003, 240 armed clashes have been reported in Karen State. Reports have highlighted the continued killing of villagers, burning of villages and beatings by the SPDC’s LIB 428, 135, 249, 560, IB 55 and the SPDC backed splinter group, the Karenni National Solidarity Organization (KNSO). The offensives have cleared 20 villages along the Karen-Karenni border.

Repression in Ethnic Areas

Burma’s armed forces deliberately target civilians as part its counter-insurgency strategy. Ethnic people living in non-ceasefire areas are victim of arrests, extra-judicial killings, rape, torture and displacement. People are arrested on charges of supporting armed opposition groups with food and accommodation, having knowledge of opposition groups’ movements, and being a member of opposition groups.

For example, on 29 August 2004 Burma Army Infantry Battalion 273 arrested 8 villagers in Ye Township, Mon State, accusing them of hiding members of the Hongsarwatoi Restoration Party (HRP), a Mon armed opposition group. The regime signed a ceasefire agreement with the New Mon State Party in 1995, but some NMSP members split off and formed the HRP in 1997.

The military regime has systematically repressed and abused the non-Burman ethnic nationalities. Ethnic civilian populations have been used as bargaining chips by the SPDC in a conflict against ethnic opposition groups.

The ouster of PM Gen Khin Nyunt does not bode well for the ethnic nationalities. The men now left at the top of the SPDC have a ‘zero-tolerance’ policy towards ethnic nationalities, ceasefire negotiations and national reconciliation.

The SPDC perpetrates many human rights violations against ethnic nationalities under the guise of ‘counter-insurgency’ activities that trigger large-scale displacement, forced labor, extra-judicial killings and rape.

Heightened SPDC abuse against ethnic civilians in non-ceasefire areas is used as leverage to force ethnic groups into ceasefires.

Ethnic villagers are punished if SPDC soldiers suspect they have offered support to ethnic opposition groups. Villagers are punished with the razing of villages, forced labor and the laying of landmines close to crops that are needed for subsistence.

Ethnic nationality communities are targeted for forced labor on economic development projects that directly line the SPDC’s pockets and do not contribute to the development of ethnic areas.

The Human Rights Foundation of Monland reported that between January and March 2004 the Burma Army killed more than 10 villagers accused of being HRP supporters. Armed conflict between the Burma Army and the HRP has led to the displacement of more than 10,000 people, or 20% of the local population.409

**Landmines**

The Burma Army has placed landmines along the Mawchi Road at the Karen-Karenni State border.410 On 10 May, a 30-year-old Karenni man was killed when he stepped on a Burma Army landmine while trying to return to his village. On 26 May 2004 Naw Ger Moo Paw, a 16-year-old Karenni girl, stepped on a landmine near Htoo Ka Htoo village northwest of Mawchi. She lost her leg and was sent to a mobile clinic in the Karen State.411

**Killings, Disappearances, Looting**

Ethnic civilians are killed, raped and tortured as part of the SPDC’s counter-insurgency strategy. Abuses against ethnic civilians are utilized as a strategy to undermine their support for ethnic opposition groups and compel the groups to cease fighting.

Since June 2003, at least 82 extra-judicial killings and 31 ‘disappearances’ have been reported in Shan State alone. Actual figures are likely higher.412 Numerous cases of extortion and arbitrary arrest have been reported. On 28 June 2003, 5 girls who were helping their parents at a farm at Nam Wo village in Nawng Hee tract, Nam-Zarng township, were arrested, detained and raped for 2 days and 2 nights by a patrol of SPDC troops from IB66.413 [see Repression Against Pro-Democracy Activists Briefing]

On 20 July 2003, displaced farmers and their children were arrested, their farm looted and burnt by SPDC troops from IB64 and later extorted for their release.414

**Abuses for Economic Gain**

Ethnic Salones are being arrested by SPDC officials and forced to perform at a Sea-gypsy festival for tourists along the Andaman Coast. The Salone are being forced to live on land in designated villages where they are having a “hard time adapting to a land-based lifestyle.” 415

It is clear that the SPDC has not made any effort to cease the systematic abuse of non-Burman ethnic civilians. In the last 18 months:

- 240 armed clashes have been reported between the Karen and the SPDC since a tentative KNU ceasefire was agreed to in December 2003.
- The SPDC forcibly cleared over 20 villages in Karen and Karenni State.
- Regime troops laid landmines in Karen and Karenni State, killing at least 2 people.
- SPDC officials forced Sea gypsies (Salones) to live on land as tourist attraction.
- Frequent reports were received of extra-judicial killings, extortion and torture of ethnic villagers.
- Shan Nationalities League for Democracy (SNLD) MP Sai Tun Aung was forced to resign by SPDC officials.
- The SPDC interfered during an ICRC humanitarian mission to Shan State.
- Movement of Muslim Rohingyas was restricted in Arakan State

**Manipulation of International ‘Fact-Finding Missions’**

The SPDC manipulated villagers during the International Committee for the Red Cross (ICRC) visits to Shan State in September 2003. During their visit on 8 September, the SPDC warned villages north and east of Laikha not to welcome the 12-member ICRC team and those residents thought to be ‘approachable’ were told to leave their homes.416 The heavy presence of SPDC troops made villagers vulnerable to abuse and reluctant to cooperate with the ICRC visitors.417
Travel Restrictions

As part of its campaign to isolate ethnic nationalities, the SPDC imposes unreasonable taxes on travel to restrict movement. In late 2003, Rohingyas were forced to pay large sums of money to local officials for permission to travel. A 16 km trip cost 3,000 kyat (about one month’s pay), plus bribes at the numerous checkpoints, which most cannot afford. If anyone is found without a travel permit, they can be sentenced to jail with hard labor. 418

405 AFP (10 Dec 03) Myanmar junta, Karen rebels agree to ceasefire during peace talks & Irrawaddy (Dec 03) Chronology of meetings between the Karen National Union and Burma’s military government
407 Free Burma Rangers (9 Jun 04) Relief Mission Report
408 Burma Issues & Altsean-Burma (Aug 03) Uncounted: political prisoners in Burma’s ethnic areas
409 Kaowao (9 Sept 04) Rebel Suspected Villagers killed and arrested
410 Free Burma Rangers (9 Jun 04) Relief Mission Report
411 Free Burma Rangers (9 Jun 04) Relief Mission Report
412 SHRF (Jun 03 – Aug 04) Monthly reports
413 SHRF (Aug 03) 5 Daughters of Displaced Farmers Detained and Raped in Nam Zarng
414 SHRF (Sept 03) Displaced Farmers Arrested, Money extorted, their Farm Hut looted and Burnt in Lai-Kha
415 DVB (14 Jan 04) Burmese sea-gypsies forced to live on land for tourists
416 SHAN (9 Sept 03) Red Cross visits Shan area 4th time
417 SHAN (9 Sept 03) ICRC on fifth trip to Shan township
418 Kaladan (22 Dec 03) Rohingyas’ Freedom of Movements Further Restricted
PRESS FREEDOM DENIED

Recent Abuses of Press Freedom

Jul 2004: Film-maker arrested for documenting flooding in Kachin State.419

Sep 2004: Current affairs bi-monthly Khit-Sann censured for being “pro-American”

Oct 2004: 17 publications closed following the ouster of Prime Minister Gen Khin Nyunt

Burma: No News is Bad News

News blackouts are decreed by the regime to cover-up major crises. The latest cases include Burma’s major banking crisis in February 2003 and the military-sponsored assassination attempt on Daw Aung San Suu Kyi in Depayin in May 2003.420

No foreign journalists were allowed to cover the National Convention, the first step in the regime’s roadmap to democracy. There is only one foreign correspondent in Burma, a journalist from China’s official news agency Xinhua.421

Blaming Foreign Media

The Burmese regime still has an axe to grind with regard to foreign-based broadcasting stations. In a recent address to university teachers, Gen Khin Nyunt said that “The BBC and the VOA aired slanders with sinister schemes for the breaking out of the 1988 unrest.”422 The British Broadcasting Corporation, Voice of America and Radio Free Asia, all of which broadcast in Burmese language, are among the most popular radio stations in Burma. Thanks to the cheap Chinese-manufactured short wave radios, the population can listen to international programs.423

People who give interviews to international media are frequently harassed by the military junta. Recently Ludu Sein Win and Dagon Tayar, two renowned writers were targeted in the state press for giving interviews to VOA and RFA.424

Listeners of foreign broadcasting stations are also at risk of repression. On 19 January 2000 a 70-year old man named Than Chau n was sentenced to two years’ imprisonment. His only crime was apparently to have his radio tuned to Voice of America. 425

Publications Censored

Burma is ranked 164th out of 166 countries for press freedom.1

33 journalists, writers and poets are behind bars.2

The World Press Freedom Review 2003 revealed that China enjoys more press freedom than Burma.3

Pressure works: The death sentence of sports editor Zaw Thet Htwe was commuted and a special appeal was allowed to be submitted to Supreme Court

1 Mizzima News (20 Oct 03) Burma third from last in World Press Freedom Ranking
2 Mizzima (8 Mar 04) Politics Becomes Zero-sum game without Freedom of Expression
3 IPI (Mar 04) 2003 World Press Freedom Review Burma (Myanmar)

Burma is one of the few remaining countries with pre-publication censorship. Every article published must be approved by the Literary Works Scrutinising Committee (LWSC), the regime’s censorship board. The latest publication ban involves one of the few remaining current affairs journals, a bi-monthly entitled Khit Sann, which was closed down indefinitely by the LWSC on 1 September 2004. No official reason was given, but the journal’s editor, Kyaw Win, was told last June that the publication was deemed “too pro-American”.426

Following complaints by Reporters Without Borders and the Burma Media Association, the regime claimed that Khit Sann was closed down because of financial constraints. But research by RSF and BMA showed that on the contrary, the journal’s finances were healthy, and circulation increasing.427

Tight Lid on Information

The regime frequently suppresses reports on natural disasters affecting the country. It took ten days for the state media in May to report a cyclone in Arakan State that killed 220 and left 20,000 homeless.428
In an attempt to gag news of the flooding that affected Myitkyina, the capital of Kachin State in July 2004, authorities arrested a filmmaker who produced a documentary on the natural disaster on 27 July. Lazing La Htoi was detained for having filmed a group of young volunteers assisting victims of the flooding. The shop where the documentary was produced was closed down, and the 300 VCD copies of the documentary were seized. The state media did not report any casualties or damage due to the flooding, while NGOs working in the sector reported at least 50 deaths and 5,000 houses damaged.429

Sports Editor's Death Sentence

On 28 November 2003 nine individuals were sentenced to death for high treason, including Zaw Thet Htwe, the editor of Burma's most popular sports publication, First Eleven. They were accused of planning bombings in Rangoon and planning the assassination of high-ranking military officers.

Zaw Thet Htwe was arrested on 17 July 2003 during a Burmese Military Intelligence raid on First Eleven's office. Three other journalists were arrested but released a few days later.

Analysts believe the crackdown on First Eleven was linked to the publication of articles critical of the Burmese authorities. One article raised questions regarding the handling of a USD 4 million international grant to develop football in Burma, and another mentioned a fine imposed on the Burmese football team for failure to participate in an Asian tournament.430 Others raised the links between Zaw Thet Htwe and the Democratic Party for a New Society (DPNS), a banned political party that was chaired by the sports editor in 1989. Zaw Thet Htwe was imprisoned for four years in the early 1990s for his membership in DPNS.431

A campaign led by Reporters Without Borders to release Zaw Thet Htwe gained momentum when the International Labor Organization (ILO) learned in March 2004 that 3 of the 9 people sentenced to death had been convicted for their links with the ILO. Pressure led the regime to commute the sentence of Zaw Thet Htwe and 3 others to three years' imprisonment.432

New Crackdown on Press Freedom

On 20 October 2004 the authorities closed down 14 publications indefinitely and 3 others temporarily. This massive crackdown on the freedom of press is perceived by Reporters Without Borders and the Burma Media Association as an "act of revenge" by the new Prime Minister Lt Gen Soe Win against his predecessor, Intelligence Chief Gen Khin Nyunt. Soe Win is part of the hardline faction of the regime, which has a long-standing rivalry with the Military Intelligence, headed by Gen Khin Nyunt. [See Reshuffle]

Some of the suspended publications had licenses belonging to associates of Khin Nyunt, including his son. Among the publications closed down are Living Color, New Gazette, First Eleven Journal, Interview Journal, Reader's Journal, Idea Magazine, The Voice Journal, Naing Ngan Da-Kar Journal and Kumudra. The English weekly Myanmar Times was also shut down for a week, reportedly due to a restructuring of the censorship bureau.433

419 Irrawaddy (30 Jul 04) Flood Documentary Maker Arrested
420 RSF & BMA (17 Mar 03) Military junta bans reporting on banking crisis
422 New Light of Myanmar (4 Feb 04) Foreign broadcasting stations harming the national unity
424 Reporters without Borders and Burma Media Association (15 Sep 04) Burma: Military censors shut down fortnightly
425 Daw Aung San Suu Kyi Message to the 56th Session of the UN Commission on Human Rights
426 Reporters without Borders and Burma Media Association (15 Sep 04) Burma: Military censors shut down fortnightly
427 AP (17 Sept 04) Myanmar government denies closing down magazine; RSF & BMA (22 Sep 04) Press freedom organizations challenge military junta's denial over closure of Khit-Sann
428 AFP (3 Jun 04) Red Cross puts Myanmar cyclone death toll at 220
429 Irrawaddy (30 Jul 04) Flood Documentary Maker Arrested
430 Irrawaddy (Feb 04) See You in the Press Room
431 RSF & BMA (3 Dec 03) Outrage over death sentence passed on sports magazine chief editor
432 AFP (15 Oct 04) Jail terms cut of five Myanmar men formerly on death row for treason
433 Reporters Sans Frontieres & Burma Media Association (21 Oct 04) New military government closes 17 publications
HUMAN TRAFFICKING

Factors Fueling Human Trafficking

According to UN Special Rapporteur on Violence Against Women Yakin Ertürk, the lack of women’s rights is the root cause of women’s trafficking. The case of Burma provides ample evidence to sustain this assertion. Military offensive by the regime are linked to a wide range of human rights abuses, such as forced relocation, sexual violence, and forced labor, and increase women’s vulnerability to trafficking.434

Women become vulnerable to trafficking and exploitation under a complex combination of “push” and “pull” factors. On one hand domestic violence, responsibility to support the family, armed conflict, and lack of economic and educational opportunities can “push” women to seek work outside their community. On the other hand the “gendered” demand for low-skilled and low-wage occupations as house maid and sex workers in neighboring countries, particularly Thailand, “pull” women away from their home.435

Public officials at the local level benefit from trafficking and smuggling of persons, and thus have an incentive to allow the trade to continue unimpeded. At every checkpoint on the roads leading to the border traffickers and smugglers must pay bribes to corrupt officials to be allowed passage. According to the Shan Women’s Action Network (SWAN), nine distinct groups of public officials share the profits of trafficking: Immigration, Military Police, Military Intelligence, Police Special Branch, Customs, Narcotics Control, Army, Township Peace and Development Council and municipal officials.436

Fighting or Promoting Trafficking?

“As the women in the border area are more simple and vulnerable, (we) have established eight training centers in towns adjacent to neighboring countries since 1992” – SPDC’s report to the CEDAW437

The SPDC is not making significant efforts to fully comply with the minimum standards for the elimination of trafficking. Under the US Trafficking Victims Protection Act, Burma is liable to sanctions. No new sanctions have been imposed in direct relation to trafficking, but the Act provides an addition layer of legislation making existing economic sanctions more difficult to repeal.438

Economic mismanagement, military offensives conducted against ethnic nationality communities and other human rights violations are the key factors contributing to the widespread problem of human trafficking in Burma.

Men, women and children from Burma are trafficked across Asia and forced to work in manufacturing, building, domestic service, and the sex industry. Burma is also a destination country for human trafficking, with women from mainland China and Eastern Europe trafficked for prostitution. Internal trafficking of people from rural areas to cities, military bases, mining areas, and transportation hubs for commercial sexual exploitation is also a growing problem.

The refusal of the authorities to allow independent assessments of the situation makes it difficult to determine the extent of the problem, or the number of people trafficked. Rampant corruption and complicity of public officials allows the trafficking of persons to flourish.

Sources:
US Department of State, Office to Monitor and Combat Trafficking in Persons (14 Jun 04) Trafficking in Persons Report 2004
The military regime claims to recognize trafficking as a problem. During 2004 it has made noticeable efforts to demonstrate its willingness to combat human trafficking, especially in response to the threat of more US sanctions. Three anti-human trafficking liaison offices have been opened in Tachilek, Myawaddy and Muse. The regime’s high ranking justice officials met with the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region to receive advice on the matter. The regime was proud to announce that 795 arrests were made, 335 prison sentences were handed down in relation to human trafficking, and 2,181 victims “rescued” since 2002.

Burma is a party to the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), and the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT).

The measures discussed above have more to do with the regime’s preoccupation with its image abroad than with empowering women locally. Some of the regime’s measures to combat trafficking in fact contribute to the problem. In the name of the fight against human trafficking, the junta has placed restrictions on the movement of women in ethnic nationality areas. It is very difficult for women to obtain travel documents and they are prohibited from crossing national borders without a guardian. Apart from being ineffective in countering the “push” and “pull” factors, these measures increase the costs of bribes during transportation and dependency on male brokers who can take advantage of this situation.

On 10 August 2004 Burma’s state-owned media reported that 20 “rescued” women were handed back to the military regime on the Friendship Bridge linking Thailand and Burma. It was hailed as a victory for the joint anti-trafficking program between Thai and Burmese authorities and the UN Inter-Agency Project on Trafficking (UNIAP). The state press highlighted the role of the Myanmar Women’s Affairs Federation (MWAF), founded by the regime in 1996 and headed by the wives of the military generals.

A report from SWAN stated however that the MWAF ordered the “rescued” women to tell the public that they had been forced to go to Thailand, although they had gone willingly. Some women were also forced to reveal the identities of the people who helped them travel to the Thai border. Some of these “traffickers” were later prosecuted, although the military officers who took bribes are still allowed to operate with impunity.
MILITARY RULE IS BAD FOR YOUR HEALTH

More Soldiers, Less Medicine

Burma’s health standards have declined under military rule. This decline is a consequence of the regime’s policies and practices, which have made Burma one of the world’s poorest economies today. [See Economy Briefing]

The military regime consistently under-funds its public health sector in favor of defense expenditures. From 1988 to 1999 the International Monetary Fund (IMF) noted a net decline in government expenditure on health, from 4.97% to 2.70%. In terms of Gross Domestic Product (GDP), this represents a drop from 0.62% to 0.19%. It is important however to note that reliable data, even on public expenditures, is hard to obtain, due to the regime’s lack of transparency. According to the World Health Organization (WHO) the Burmese regime is currently spending 5.7% of its budget on public health.

The under-funding of the public health sector is the result of deliberate government policy.

No matter the source used to quote public health figures, the contrast with military expenditure remains stark. From 1988 to 1999 military spending rose from 24% to 30%-45% of public expenditure.

Corruption and Privatization at the Heart of the Public Health System

Under-funding results in severe corruption and what is in reality a privatization of the health care system, which comprises all the organizations, institutions and resources devoted to improve health. Over 80% of money spent on health in Burma is private expenditure. Health care facilities lack proper medical equipment and suffer shortages in medicines. Patients have to pay the doctors “special fees” in public hospital to obtain a consultation. Patients of public hospitals also have to pay for their medicines, often at high black market prices. High prices and low availability of Western or locally produced medicines lead people to consume cheap medicines flowing in from India and China. These products are often counterfeit, made of substandard ingredients, and can endanger the health of the population. For example the World Health Organization stated that many villagers in Burma may have died by taking fake malaria drugs, such as imitations of Artesunate.

Life expectancy at birth

- 56.2 (male)
- 61.8 (female)
- 58.9 (both sexes)

Life expectancy in Burma is 8 years below the ASEAN average of 66.9.

Public health

The World Health Organization ranks Burma’s public health care system 190th out of 191.

Among the ASEAN states, Burma spends the least, per capita, on public health, at a meager USD 5, while the average among the other ASEAN countries is USD 137 (international dollar rate).

Under-five Mortality Rate:

- 109 per thousand

From 1990 to 2002 Burma reduced its U5MR by 1.5% annually. In order to reach its Millennium Development Goal of 43, Burma has to increase its annual reduction rate to 7.1% until 2015.

Malnutrition

- 36% of children under age 5 (from 32% in 1990)

The military regime is clearly benefiting from the poor state of the public health care system. Top military officials and their associates own private medical facilities, which are now providing the majority of health care in Burma; however this sector remains unregulated. Costs of private health care are rising, while incomes are stagnating or declining, which reduces access to proper health care. Health care insurance is virtually unheard of in Burma, with “out of pocket” expenditures representing 99.6% of total private expenditures.

The military enjoys state-of-the-art health facilities reserved for its exclusive use. The military uses health care as a bargaining chip to win support or punish members within its ranks. High-ranking military officials also nurture patron-client relations with the population by establishing foundations that provide health care at reduced cost.
HIV/AIDS: A Growing Epidemic

“Myanmar stands on the brink of what may be one of the most serious epidemics in Asia.” ~ UNAIDS

According to UNAIDS, Burma along with Thailand and Cambodia, are the three Asian countries with the highest rates of HIV infection. Burma, with an HIV adult prevalence rate of between 1.1 and 2.2% in urban areas, is the only Asian country where the infection rate is still rising. According to Physicians for Human Rights, the dire state of the HIV/AIDS situation in Burma is a result of “the combination of poverty, military misrule, conflict, a booming illegal economy, chronic systematic human rights violations, and mass migrations”. Trafficking of persons, especially women and children, increases their vulnerability to HIV infection. [See Human Trafficking Briefing]

Burma’s Ministry of Health now seems keener to provide an accurate picture of the disease’s spread. While claiming in 2002 that only 20,000 people were infected with HIV, it now claims the figure is closer to 180,000. UNAIDS figures range between 170,000 to 620,000. However, a John Hopkins Bloomberg School of Public Health study conservatively estimated the HIV adult prevalence rate (people aged between 15 to 44) to be 3.46% in 1999. This represents 687,000 Burmese adults living with HIV infection, or about one of every 29 adult citizens. Between 11,000 and 35,000 people died of HIV/AIDS in 2003 alone. The majority of infections result from heterosexual relations, and 26% of HIV infections are linked to intravenous drug use.

450 Selth, Andrew, Burma’s Armed Forces: Power without Glory, Norwalk CT: Eastbridge 2002: 135
VIOLENCE AGAINST WOMEN

Continuing Evidence of Rape by the Military

Numerous reports have documented cases of rape against women in Burma by SPDC soldiers.470

In early 2004, the Karen Women’s Organization (KWO) released a report documenting 126 cases of rape in Burma. The Women’s League of Burma (WLB) also released a report that documented another 26 cases throughout all states. In 2002, the Shan Women’s Action Network (SWAN) reported a further 173 cases in Shan State. The actual figures are likely to be in excess of these numbers, as women who speak out against rape are often tortured, raped and killed. The SPDC labels them ‘trouble makers’ to set an example for other women.471 Similarly, a cultural restriction on disclosing rape also affects these figures.

According to the Shan Women’s Action Network (SWAN) 61% of the rape cases documented in their report were gang rapes; and 83% were committed by high-ranking military officers. The women were killed after being raped in 28% of the cases.

In one case, young women from six villages were forced to participate in a beauty pageant held at a military base, where they were raped during the event.472 In another case one woman was raped while SPDC soldiers were staying at her home.473 In 2003, SPDC forces detained and raped 17 Shan women for three nights.474 The SPDC rarely takes action against rape perpetrators. Of the 173 documented cases in SWAN’s ‘Licence to Rape,’ only one perpetrator was punished.

These rapes are a direct result of the military culture that flourishes under the SPDC and the climate of conflict it cultivates. Moreover, the lack of prosecution for rape offenders in the military means that rape by the armed forces occurs with impunity.

The United Nations General Assembly has consistently declared ‘grave concern’ at the ‘disproportionate suffering’ of women in Burma and expressed ‘extreme concern’ at the reports of rape and sexual violence carried out by members of the armed forces.
Women’s vulnerability to health problems, particularly HIV/AIDS, has been magnified by lack of attention, lack of collaboration on safe sex, lack of access to prevention services and methods. A meeting between UNIFEM, UNICEF and UNAIDS on 8 March 2004 reported that a lack of attention to women’s rights in Burma was fueling the AIDS epidemic in Asia. Lack of collaboration with men to practice safe sex, lack of access to prevention services and prevention methods also increases women’s vulnerability.

More than 35% of the population does not have access to reproductive health services. Maternal mortality rates are about 580 deaths per 100,000 live births. 3-15% of women in Burma are affected by physical and mental violence.

The conflict environment also limits women’s access to education. Female illiteracy rates in conflict and remote areas are estimated to be between 70-80%.

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472 Kao Wao (8 Mar 04) Violence mounts against Mon women in rural areas

473 Kao Wao (8 Mar 04) Violence mounts against Mon women in rural areas

474 SHRF (Aug 04) 2 Pregnant Women Shot Dead, 2 Villages Burnt down, 17 women detained and raped in Murng-Sart

475 Aids Weekly (29 Mar 04) HIV/AIDS incidence rising faster among women in Mekong region than men

476 In The Star Online (9 Mar 04) HIV infecting women faster than men in some parts of Asia
REFUGEES & INTERNALLY DISPLACED PERSONS (IDPs)

Civilians Are The Battlefield

Burma’s civilians are targets in the SPDC’s campaign to undermine armed opposition groups.

As part of the ‘four cuts’ program, the Burma Army has aimed to sever the four links (food, funds, intelligence and recruits) between armed groups, their families and supporters. This has translated into harsh offensives against villages, forced relocation and forced labor for villagers suspected of being “rebel supporters.” In this way, the conflict has generated huge scale dislocation and displacement as fear and violence have made their way into daily life.477

Violence against civilians has not abated; and therefore displacement continues, as villagers face military offensives, abuse, torture, forced labor and forced relocation.

An SPDC offensive along the Karen-Karenni border area during December 2003 and January 2004 displaced an estimated 5,000 villagers. Between 10 December and 16 January, the offensive had already created an estimated 3,500 IDPs on the Karen side of the border.478

Aung Mya, a leader of the Karenni National Progressive Party (KNPP) says Burmese troops burned down 6 Karenni villages in early January, forcing more than 2,000 villagers to flee to the Thai-Burma border, in spite of SPDC claims that the 1995 ceasefire agreement remained in tact.479

Then, in June 2004, SPDC LID 135 attacked villages along the Karen-Karenni border, displacing some 500 persons. The villagers say they are now too scared to return to their homes despite continued efforts at ceasefire talks.480

In July 2004, several hundred villagers living in Ye township, Mon State were ordered to leave their homes by the end of the monsoon season. Reports say the SPDC intends to build a military hospital on the vacated land.481

Populations continue to flee Burma in significant numbers, seeking refuge in other countries. Refugee flows and displacement are a direct result of military rule.

Civilians in Burma have borne the brunt of Burma’s conflict. Refugees are, largely, a direct result of counter-insurgency campaigns that use ethnic populations as a bargaining tool to gain military control.

Through insurgency and counterinsurgency offensives, the civilian population has become the battlefield of the conflict, with civilians representing a military target in harsh counterinsurgency campaigns.

Refugee flows from Burma will not abate until conflict ceases, the military is brought into check and human rights abuses are halted.

Wherever they seek refuge, asylum seekers are faced with new security and survival concerns. Refugees and IDPs face a heightened vulnerability to health problems and human trafficking, with limited access to health services, education, and employment potential.

An estimated 2.5 million Burmese migrant workers and asylum-seekers are spread throughout the region.

There are a further 525,000 IDPs hiding in conflict areas, ceasefire areas and relocation sites within Burma.
Heightened Vulnerability

Refugees and Internally Displaced Persons (IDPs) in Burma face heightened vulnerability to trafficking, exploitative labor, unsafe migration, and debilitating health complications.

A report recently published by the Burma Border Consortium on IDPs inside Burma shows that over one third of IDPs have no access to health services. This lack of access exacerbates already poor health conditions in the country. For example, infant mortality rates among IDP populations are estimated at double the national rates.478

These conditions are perpetuated in border areas when government officials, from both Burma and neighboring countries, seal the borders in an attempt to prohibit the movement of people. In November 2003, an estimated 50,000 Rohingya refugees were camped at the Naaf River intending to cross into Bangladesh. Authorities in Bangladesh closed the border to prohibit an influx of refugees who had fled due to SPDC manufactured communal riots in Arakan State.479

Refugees and IDPs are unable to maintain a livelihood. It was reported in September 2003 that at least 1,000 Karen villagers were displaced and unable to tend their crops due to the Mergui road construction and a growing militarization in the area.480 Coastal Region Military Commander Brigadier Gen. Ohn Myint then ordered a sweep of IDP hiding sites along the border. The troops were ordered to destroy all paddy fields and capture any IDPs they found.481

Migrant women and girls from Burma are most vulnerable due to their lack of legal status, personal security, discrimination and inability to access health care.482

Conditions for refugees and asylum seekers are no better. Selective classification and registration procedures ensure that asylum seekers remain in a very precarious, insecure position. Of the 50,000 Burmese refugees in India, only 1,000 are protected by the United Nations High Commissioner for Human Rights (UNHCR).483 The US Committee for Refugees estimates that another 260,000 refugees in Thailand are unrecognized by the Thai government, leaving them without effective protection or support. The same goes for the 100,000 living outside refugee camps in Bangladesh.484