

Myanmar Women's Affairs Federation

An analytical review on the recommendation to the United Nations Security Council to take action on Myanmar

1. Since the beginning of 2006, some of the western Countries have taken greater effort in urging the UN Security Council to take action on Myanmar. Taking the opportunity on this situation, the dissident groups had issued the reports, texts and dossiers made up with the false information as well as exaggerations. At the same time some authors prepared their reports based on those fabricated information and presented to the United Nations and its agencies.

2. In 2005, November, Myanmar Women's Affairs Federation had received "An Analytical Review and Response to the Report " authored by a group of Myanmar academics. The report was prepared with a view to respond to the fabricated allegations from the report entitled "Threat to the Peace: A Call for the UN security Council to Act in Burma" prepared by the Honourable Vaclav Havel and Bishop Desmond M. Tu Tu. In responding report, the authors made analytical review on the allegations as follows:

- (a) Regarding the allegations of destruction of villages, forced relocation and external displacement, the authors pointed out that Myanmar government had targeted to strike out the insurgent groups who were involved in poppy growing and drug trafficking. The root cause of these insurgencies was the colonial legacy of the British's divide and rule policy among the nationalities in Myanmar. However Myanmar government has made strenuous efforts for national reconciliation and gained momentum, resulting peace agreement with seventeen ethnic armed groups. One of the three national causes of Myanmar is non-disintegration of national solidarity. On this ground Myanmar Government will never make destructive engagements to ethnic minorities.

With regard to the allegation of forced relocation problem, as Myanmar is implementing the projects to develop a modern nation the existence of relocation of the villages is unavoidable. However Myanmar government has provided compensations and other assistances to those who were relocated to the suitable areas for new settlements.

Concerning the allegations of external displacement which led to the instability of the region, the author made known that internationally and the word refugees is defined as person who fled to other places when armed conflict took place in the place of residence. Therefore all the externally displaced people are not real refugees but those who seek greener pastures. Actually they are migrants. Under the globalization process, there emerged such problems of migrant workers both legally and illegally not only in Myanmar Thai border areas but also in other areas of the world.

- (b) Regarding the allegations of forced labour, the distinguished writer should be aware that Myanmar has been cooperating with the ILO in solving the issue of forced labour. Accordingly, Myanmar government issued the two legislative order 1/99 and supplemented order 1/99 in line with Convention 29. ILO accepted these orders as having provided the necessary statutory basis. Since 2002, the ILO Technical Cooperation Mission visited Myanmar and made discussion with Myanmar government. Myanmar also accepted a ILO liaison officer in Myanmar in cooperation with ILO. However, some quarters of ILO brought up an extraneous domestic political issue and delayed the implementation of the plan. It is evident that Myanmar is determined to realize the joint plan of action for the elimination of forced labour. Thus the author pointed out that the reporters of such allegation are not aware of what has been done in Myanmar.
- (c) With regard to drugs, the authors pointed out that the Report has mentioned the fact that there is a decline in production in Myanmar. In tracing back into the history of Myanmar regarding drug eradication, it can be found that successive government of the Union of Myanmar have waged a relentless war on illicit drugs since 1948, after regaining independence. The governments have always fully recognized the evil threat posed to mankind by narcotic drugs. They are fully aware of a great need to eliminate the problem. In the report of the Implementation of the first 5 years phase (1999-2000 to 2003-2004) plan, it was stated that the problem and menace of drugs have not only affected the dignity and social norms of the state, but have also threatened to the world community at large since the British colonists introduced opium poppy to utilize it as a tool to colonize Myanmar, history stands testimony that successive Governments have seriously and consistently combated the source of drugs. Myanmar became a state party to the Single Convention on Narcotic Drugs on 25th July 1963. The Government enacted the Narcotic and Dangerous Drugs Law in 1974, and established the Central Committee for Drug Abuse Control (CCDAC) in 1975. A new Narcotic Drugs and Psychotropic Substances Law were enacted on 27 January 1993. Besides, the government has been cooperating very closely with UN agencies and neighbouring countries. Myanmar is a signatory to the 1988 United Nation Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and the 1972 Protocol Amending the 1961 Single Convention on Narcotic Drugs. One allegation in the report was that heroine and ATS are trafficked out to India, Thailand and China through specific land routes as well as by sea. It seems that authors of the report are unaware that Myanmar is actively engaged in sub-regional cooperation in drug abuse control with China, Cambodia, Laos, Thailand and Vietnam. Up to the present day, any official complaint from the neighbouring countries has not received and this obviously shows that Myanmar has not and will not violate any article in the agreements.

- (d) In order to be effective in implementing a comprehensive HIV / AIDS prevention and control programs, the Ministry of Health has established National AIDS Committee under the chairmanship of the Ministry of Health. Nowadays, Myanmar is cooperating with the UN Agencies, International NGOs and domestic NGOs in Health Education, Caring the AIDS victims and conducting the program to encourage the use of condoms and other activities in preventing and controlling this disease.
- (e) With regard to the allegations of Child soldiers, the allegation stated in the report as the recruitment of children for military services is seemed to be based entirely on a report issued by Human Rights Watch and also seemed to have derived from the statements of military deserters with dubious credibility living in the neighbouring country but not on information obtained from any official sources. There could be misunderstanding regarding this issue. Myanmar Defence Services is recruiting soldiers in accordance with " the Defence Services Council Instruction for the Recruitment of soldiers". The new recruitment must be at least 18 years of age and not older than 25 years in addition to other prerequisites such as sound health, the height and educational status. He must also have the desire to serve in the army. The Government has also formed a Committee on the Prevention and Control of the recruitment of Child Soldiers to ensure that the rules and instructions are strictly adhered to for the protection of children. Ms. Caroll C Long, the UNICEF Resident Representative, has also visited army recruitment camp to witness how recruitment is conducted. Since peace has already been restored in entire nation and Myanmar certainly is not a country at war where the recruitment is in emergence.

3. Mr. Paulo Sergio Pinheiro, the Special Rapporteur of the Commission on Human Rights had submitted an interim report to the sixtieth session of General Assembly in accordance with the request of the Commission. Consequently the Myanmar Women's Affairs Federation has made an analytical review on this report.

4. According to the Report, the Special Rapporteur mention that he had made his recommendations on the human rights situation in Myanmar since past six years but the Government has not implemented. He also pointed out the stagnancy of the transition process, the lack of progress towards nation reconciliation and deteriorating humanitarian situation.

5. It also stated that meaningful political, economic, legislative and judiciary reform is essential to moving Myanmar out of the current situation. The Special Rapporteur made his strong support to the recent report of the Secretary General to the General Assembly requesting the Government of Myanmar to resume without further delay to make dialogue with all political actors including NLD and with all the representatives of the ethnic

national groups and by June 2006, all political prisoners should be released, all constraint on political action should be lifted; all the offices of NLD should be permitted to reopen and all political representatives free to participate in the political transition process, without restriction.

6. Out of those recommendations, with regard to the fact to dialogue with all political actors, including the NLD and with all the representatives of the ethnic nationality group, it is evident that Myanmar Government had made dialogues with political groups gaining no positive outcomes because of their opposed nature to the Government's activities.

7. Myanmar Government was urged to make meaningful political, economic, legislative and judicial reform. At present, Myanmar is practicing the judiciary matters in line with the existing laws by establishing different levels of Courts. The future process of legislature and judiciary were being discussed seriously at the convening National Convention.

8. Concerning the recommendation to permit all political representatives to participate in the political processes without restriction, the representatives from political parties, the representatives from the ethnic groups, the representatives from peasants, workers, delegates of intellectuals and intelligentsia, delegates of State Service Personnel, delegates of national races armed groups who exchanged arms for peace and other suitable invited persons are allowed to participate in the process of convening Nation Convention.

9. With regard to the allegation of anti-democratic procedures and principles of the National Convention, Myanmar is practising democratic principles comprehensively. According to the procedures, all the representatives from the various groups can express their opinion through group discussions by individually or in group or in unanimously. They can express their recommendations and suggestions freely. In such manner, each and every representative including the ethnic group as well as delegates of national races armed groups who exchanged arms for peace can speak out their desires. It is proven that there are democratic practises in the National Convention.

10. The Government always take good care of socio- economic lives of the ethnic groups by laying down the programs for development in the specified 24 Special Development Regions. The programs consist of constructing the cluster of dams and reservoirs, network of roads and bridges, schools and hospitals. It is profound that the allegation of the exchange of arms for peace is not benefited the populace is totally based on false information. The Government is providing assistance for the needs of ethnic groups through close discussions with them. The delegates of national races armed groups who exchanged arms for peace and other

suitable invited persons are allowed to participate in the present convening National Convention. It is so clear that the Government is always cooperating with the ethnic minorities and they are never been neglected.

11. In Myanmar, the Government is cooperating with the International Organizations and Humanitarian Agencies such as ICRC and UNHCR in carry out the activities under the humanitarian aids. The Government has been given the permission to the ICRC, UNHCR and ILO to carry out their activities freely without having any other prohibition or restriction. But they have to inform the Government for their travelling to the restricted or remote areas for their security sake. They are enjoying the rights, provisions under the privileges and immunities of the UN. The members of the Humanitarian Organizations can travel through out the country even to the remote areas. The Government warmly welcomes their willingness for the betterment of Myanmar peoples. Concerning the restriction of ILO Liaison Officer's movement, the Government has allowed him to travel to Yebyu and Kanbouk in Taninthayi Division, Kachin State and Chin State, and to the remote areas as well.

12. Regarding the allegation of the migration of the people from battle zone where the government troops were engaged with insurgent groups endangered the peace and stability of the region, it is found to be unreasonable. The Union of Myanmar consists of 14 states and divisions including the Shan State and the Kayin State. As Myanmar has over 135 races, there inhabited not only the Shan and Kayin races but also other races including Bamar are existed in those states of Shan and Kayin. The number of persons who migrated to the border areas which was mentioned in the report is very low to compare to the population of that area. Thus, such number of migrants can not be endangering the peace and stability of the region and it is just an exaggeration.

13. Concerning the political detainees, we have found that the facts are not reliable. For example, some of the prisoners appeared in the report who are being suffering from severe illness are found to be in good health. And the political prisoners mentioned in the report are not actually present in any prisons. Besides, the list of the prisoners mentioned in the report is not the political prisoners' list but they were charged with other criminal offences.

14. The Myanmar Women's Affairs Federation firmly believe that the security of the women can be achieved only when the country is in peace and stability. While Myanmar women have achieved the momentum of advancement and safeguard of lives under the peace and tranquillity of the state, prevalence of law and order, improvement of communication and development of economy, some of the powers those who want to empower their influential figure are pointing out the various reasons and pressing Myanmar, by imposing sanctions,

supporting the dissident groups who aim the nation to be instable and insecure by sabotage activities and by shadowing the articles issued by the overseas dissidents of Myanmar. Therefore Myanmar women's Affairs Federation is deeply concerned for the safety of the whole Myanmar community including Myanmar women.

15. Myanmar Women's Affairs Federation would like to suggest to confirm the reliability of the information sources and accuracy of the data while considering and analyzing the reports and dossiers. It should also take deep concern on Myanmar's response as well. Since Myanmar has gained her independence, the insurgencies have been emerged and counter insurgency operations were taken place all over the country but there has been no complaints. Nowadays, the 17 major armed groups returned into legal fold and most parts of the nation gained peace and tranquillity and taking strenuous efforts for the development of the nation. At the same time, the government is making effort to clear the nonnegotiable insurgent groups. In this moment, the allegation of threatening the regional stability exaggerated by mean of political reason is emerged. Thus, Myanmar Women's Affairs Federation would like to urge those who received the reports to consider seriously on this allegation.