

Myanmar

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Statement by

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Ambassador/ Permanent Representative
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at the

Committee on the Application of Standards of the
98th Session of the International Labour Conference

regarding Freedom of Association and Protection
of the Right to Organize (Convention No. 87)

Geneva, 9 June 2009

Mr. Chairman,

Thank you for giving me the floor.

Mr. Chairman,

Myanmar is in transition today. It is in the process of transforming to a democratic society. We have made significant progress on implementing the seven-step road map to democracy. A new constitution was approved by 92.48 % of the voters and adopted as the fourth step of this road map which clearly proves beyond all reasonable doubt that it is the will of the people to ratify this constitution with 92.48% affirmative votes. As the fifth step, free and fair elections will be held in 2010 in accordance with the new constitution.

Mr. Chairman,

The right of the citizens is guaranteed in the new Constitution under Chapter VIII—Citizenship, Fundamental Rights and Duties of Citizens. The rights of the citizens including the right to express their convictions and opinions freely, the right to assemble peacefully and the right to form associations and unions are clearly laid down in Section 354, sub paragraphs (a), (b) and (c).

Particular references to the labour organizations are mentioned in the new Constitution. Under Chapter IV, Section 96 stipulates that the Pyidaungsu Hluttaw, the legislative body, shall enact laws including laws for labour organizations which are included in the Union Legislative List, Schedule One paragraph 9 (r). This new law when promulgated will be in line with Convention No. 87 and the Constitution itself.

Mr Chairman,

I am confident that workers in Myanmar will be able to form their own associations and enjoy fundamental rights as protected in Chapter VIII, Section 354, when the new Constitution comes into operation after 2010 elections. Thus there is no legal right to ask for amendment to the Constitution.

Mr. Chairman,

Myanmar has been cooperating with the ILO in the context of fulfilling obligations under various conventions to which Myanmar is a State Party.

If we have a closer look at the documents C.App./D.4./Add.2 and C.App./D.9, it is evident that the Government of Myanmar is providing information in a detailed and regular basis in response to the requests or clarification seeks by ILO. This cannot be done if Myanmar does not attach importance to the cooperation with ILO.

Mr. Chairman,

Detailed and true facts are provided in written relating to questions that are concern of the Committee. They are also reflected in these documents. However, I wish to highlight a few points.

Mr. Chairman,

Myanmar holds May Day events nationwide every year and no one will be arrested for holding such events. The six persons including *Thurein Aung* were arrested not for holding May Day event but for breaching of existing laws and for their involvement in unlawful activities and attempted terrorist acts in the country. There is solid evidence proving that these persons are receiving instructions, training and financial assistance from the so-called FTUB, an exile terrorist group and unlawful association which masterminded bombings and terrorist acts, to incite public unrest in the country. Any request to immediately release them is an act of interference in domestic law and thus constitutes an infringement on the legal system of a sovereign State. It would also be in contradiction with the basic principles of Public International Law and the Article (8) of the Convention (87) which stipulates that the law of the land should be respected.

Mr. Chairman,

If action is taken based on fictitious and fabricated facts or incidents without verifying its validity and accuracy, it would eventually turn out as a fruitless exercise. Time and resources will also be wasted in that exercise. One such example is the case of *Tin Hla* that the ITUC referred to the Committee. *Tin Hla* is neither a leader nor a member of any labour union as mentioned in the document C.App./D.4./Add.2. He works for Myanmar Railways as a supervisor and there is no labour union under Myanmar Railways. The police caught him committing a crime which was having possession of a number of ammunition, and consequently he was charged and sentenced.

Mr. Chairman,

Recently, there was a sham conference which was organized by Maung Maung at Mae Sok, Thailand. Let me explain regarding this. There was a group of 4 persons including Ma Shwe Yi Nyunt attended the meeting. In fact, none of them are workers and does not represent any work force. They are a group of relatives who eventually have personal links to Maung Maung. For this group, their association with Maung Maung is punishable under existing laws of Myanmar and under laws of any country countering terrorism. Following an investigation after they had returned, it was revealed by them that they were neither workers nor representing any Myanmar workers and that they had been asked to visit Maesot for a different purpose and accepted 4.2 million kyats in Myanmar currency. The purpose of their crossing border is nothing but a gathering of relatives and friends funded by Maung Maung. These facts were also revealed by them during their meeting with the ILO Liaison Officer on 25 April 2009. We have complete records pertaining to the facts mentioned above.

As they were the victims of a sham conference masterminded by Maung Maung and they have admitted what they did unwittingly, the Government stopped investigation and condoned them in the best spirit of cooperation with the ILO.

Mr. Chairman,

It is unfortunate to see a fugitive from law by the name of Maung Maung taking part in the proceedings of the International Labour Organization. Maung Maung (a) Pyithit Nyunt Wai worked for a jewellery sales shop of the diplomatic department store in Yangon. When he was found responsible for loss of jewellery and legal action was taken against him under the Public Property Protection Law in 1989, Maung Maung escaped to neighbouring country where he joined the anti-government organizations. He is the Secretary-General of so-called FTUB and NCUB, an alliance of DAB and NDF, composed of many insurgent terrorist groups in exile. These groups have been resorting to violent acts such as bombings in public places of the country. As their violent activities are harmful to the populace and harmful to peace, stability and rule of law of the country, these groups are outlawed in Myanmar.

As these terrorist acts are forbidden by the United Nations Convention for the Suppression of the Financing of Terrorism to which Myanmar is a party, the Ministry of Home Affairs announced that the so-called FTUB and Maung Maung are a terrorist group by issuing Declaration No. 1/2006 of 12 April 2006.

I would like to inform you that preparations are being made for reporting to International Anti-Terrorist Organizations and Committees for possible action against such terrorist.

Mr. Chairman,

Myanmar is fully cognisant of its obligations under Convention No.87. Measures are being taken, at this juncture, to review the existing laws. One of the current such measures is sending 380 domestic laws to the concerned ministries for review, to check compliance with international human rights standards and the provisions of the new Constitution including the provisions under Chapter VIII. Given the nature and volume of work lying ahead, we cannot expect the desired results overnight.

Mr. Chairman,

In concluding, I wish to highlight that Myanmar is taking measures and doing its best to comply fully with the obligations under the Convention No.87 and it is only a matter of time to meet this challenge Myanmar is facing nowadays.

Thank You, Mr. Chairman.

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