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A group of villagers are sitting, their mouths red with stains from the juice of the betel nut they enjoy chewing. The tattered, windowless, bamboo house blurs with the smoke of cheroots that these men are exhaling in the midst of candle light. Rain drops, and dogs are barking in the distance in the dark form a backdrop to a series of village elders' tired conversation about the forced labour burden in their villages.

A village headman in his 30s, with deep breaths, complains about some of his villagers who were stubborn and didn’t want to give money when he was collecting it for the Burma Army officers. He was in a difficult position. Another man, who acts as a go-between for the SPDC and village headmen in the area, asked the village headman if he had finished collecting all the money the officers asked for the castor oil plant fees. The village headman replied no, he hadn’t finish yet. He said that he just was elected a few weeks ago. The man who asked turned his head, disappointed.

This is a group of village headmen in Paw Klo area, in the east of Taoy, in Southern Burma. They are worried about the latest forced labour quota for Burma ruling junta, the State Peace and Development Council’s (SPDC) castor oil plant (Ricinus communis) cultivation project. They are busy collecting money to pay off forced labour orders to plant castor oil trees in Myitta village.

Earlier this year the Burma Army ordered all townships and battalions to implement a ten year castor oil cultivation project. Each battalion has to plant at least 40 acres. The army generals’ explanation is that the ten year project is aimed at meeting the fuel need of the nation. However, the corrupt local authorities and battalion commanders forced villagers to carry out the work and demanded money from the local people when they refused. The top generals know it, but forced labour and extortion is common practice for the junta. As the new cultivation project is taking effect; local people especially in rural areas and villages close to the military camps are suffering. The villagers were ordered to clear the forest for the castor plantation, grow it, tend it and collect the seed.

Following the order, Burmese troops based in Myitta village, east of Taoy, ordered local villagers including villagers in Paw Klo area, to plant castor oil. In Paw Klo, each village was ordered to plant at least 15 acres. The villagers negotiated with the army officers to pay in money, because their villages are far from the plantation site to travel. This was not enough, as villagers were forced to buy the castor seeds to plant in their plantation or with their rice crop as well.

A villager said “my village elders told me that the Burmese army officers asked us to go and clear land to plant castor oil. If you don’t go you have to give 2000 kyat (US $1.50) per house hold. I don’t understand what this castor oil plant is for. I just heard the elders told me that the officer said that this is for the people. But, Burmese troops do different from their words. This plantation will benefit the army and I don’t think we will benefit”.

Another villager whose village is close to the army camp said “we face more problems than before - all we have to do is forced labour. Even if you can not work you have to work, even if you can not pay you have to pay, otherwise they will take action against you. We had to plant castor oil, despite the fact that our village already gave 350,000 kyat”.

Many villagers have no information about what the castor oil cultivation is really for. They heard from the army officers that this project was for the local people themselves. The villagers were told that they could use the castor oil for light, replacing their need to use oil lamps and candles. But the villagers are confused and suspicious.
Forced labour on castor oil plantations creates more hardships for the local people. They have little time to work for themselves (villagers here earn their living through betel nut plantation and rice farming), in addition the nonstop soaring price of goods and food plunge the villagers further into poverty.

“Its like we sit near the fire, and the fire heat up our skin” said a villager. He further explains “we have difficulties for earning our living, not having enough for the year. Many times Burmese soldiers forced us to do their work and we could not do our work. Now we have to grow castor for them. We arranged to give in money. Many families are poor and face difficulties. The situation is worsening which cause by high price. Many people get into debt, like me. My betel nut plantation was taken over by a Burmese business women for three years because of I cannot pay my debt. Many people are like me”.

“We get 500 to 1000 kyat from working for a day. This is not even enough just for one day’s living. One viss (1.6 kilogram) of fish paste cost 1000 kyat, one pyi (1 pyi is 8 small milk-tins, weighing about 2 kg) of rice cost 600 to 800 kyat. All the money you get you have to give to the army”, he added.

Another man said “you could not work for you family so we didn’t have enough income. Some people fled to Thailand. If we can bear it no more, the only way out we have is to flee too. In my village I think 30 to 40 families fled to Thailand and to refugee camp.” This village has about 150 households.

The Burmese junta is still practicing forced labour throughout the country and it was acknowledged at the International Labour Organization (ILO) annual labour conference in Geneva in June. The ILO has taken a tougher stance on the junta. The ILO gave the Burmese junta until November to demonstrate its intention to end forced labour; establishing a credible mechanism for dealing with complaints of forced labour, or face possible action like their case being sent to International Court of Justice in The Hague.

The junta has played an escape game with the ILO for a few years. The junta assured the ILO that it would take steps to eradicate forced labour after pressure in 2000 and let the agency open an office in Rangoon in 2002. The ILO withdrew its call for sanctions a year later and agreed on the plan of action with the junta. This June the junta just narrowly escaped at the last minute the ILO’s move to bring Burma’s forced labour case to The Hague.

On the ground, the junta has tried a softer term for the modern-day slavery which they have practiced for decades on the civilians. In previous years the junta felt pressured by the ILO to eradicate forced labour and in some rural areas army officers are careful and do not openly force the civilians to carry military supplies to the front line, but in other places civilians are openly used as porters. At the same time the junta’s use of prisoners as porter has increase.

The local army officers use the term “Development Work” to smooth the sound for the local villagers’ ears. Increasingly villagers are ordered to build road between their villages, construct military camps, work on military cultivation projects, transport military food supplies by boat, car or elephants etc., for the sake of rural development. This ongoing practice is unreported in many places, especially in remote areas.

Local villagers in Paw Klo said if they say the word “forced labour (in Burmese Lok Ah Pay, means giving labour force)” to the Burmese army officers, the officers told them not to say such a term. The officers said to them they no longer have forced labour, but they are doing “development work”.

However, the local villagers know the truth well.

“For villagers in Paw Klo area, there is no sign of easing of any form of development work or forced labour in the coming years. The junta’s castor oil cultivation projects are there and require the local labour force to implement it. Some rumors among villagers is that after the castor oil harvest, the army officers will force the villagers to buy it, and will bring some machines that will grind the castor seeds to produce oil to the villages. If the army brings the machine it means they have a long term plan to grow castor, so the villagers will suffer for longer. The signs show a further demand for labour is needed for the junta for the years ahead.”
The Junta and the ILO: Is it Time for the Tiger to Finally Bare its Teeth?

By Santi Pap

Since Burma was first reprimanded by the International Labour Organization (ILO) in 1999 for its widespread use of forced labour, the country’s junta and the ILO have continued to engage in a parasitic relationship. The junta continues to use the ILO to stave off international action and punishment for their horrendous use of forced labour throughout Burma, while the ILO receives flak over Burma’s blatant disregard for labour conventions and their inability to make the junta compliant. However, could it possibly be true that the ILO is finally losing patience with the junta?

Following the International Labour Conference in Geneva in June, in order to stave off calls to send Burma’s case to The Hague, the junta agreed to a number of criteria aimed at improving the country’s mechanism for dealing with forced labour complaints. The two-pronged approach requires the junta to suspend prosecuting forced labour complainants for six months and the release of Aye Myint, a prominent labour rights activist, both by the end of July. The second prong is the establishment of a credible mechanism to deal with forced labour complaints by the next International Labour Conference in November. Allegedly the junta has proposed establishing a two-member panel consisting of an SPDC official and Richard Horsey, the ILO’s representative to Burma.

Surprisingly, the first deadline has passed and the junta kept their side of the agreement. However, the larger task of setting up a credible complaints mechanism still lies before them.

The issue of force labour in Burma is not new, and it origins have been attributed to the British, during their colonial rule. The British passed two pieces of legislation, the Village Act (1908) and the Town Act (1907), which empowered local authorities to use citizens for unpaid community work. When Burma became independent in 1948 the legislation remained and subsequent governments have resisted calls to repeal the laws. This voluntary contribution of labour has given rise to the idea that being forced to donate labour for community projects is a cultural norm, and that it is an honour to participate in Lo-ah-pay (the Burmese term for “voluntary” contribution labour).

As a member state of the ILO, Burma is accountable to this international body for their actions regarding human and labour rights. The ILO has a mechanisms aimed at supervising the enforcement of Conventions and Recommendations. This involves governments’ submitting reports on the implementation of ratified and fundamental conventions that all members are bound to, within a pre-established reporting period. This report, and additional information submitted, is examined by an independent Committee of Experts. The committee holds discussions with the country’s government about the application of the conventions, and then submits a new report to the International Labour Conference (ILC).

At the ILC, reports from the Committee of Experts are discussed by the Conference Committee on the Application of Standards (CCAS). The reports are considered in general and then specific, individual problems or issues cited in the report are discussed. When problems are being examined representatives from the government concerned are invited to attend. This gives an opportunity for the CCAS to learn why a country is not implementing a convention, and also allows it to push for future compliance.

The complaints mechanisms enable national or international workers’ or employers’ organisations and ILC delegates to call attention to a problem. In a complaint launched by an ILC delegate, known as an Article 26 complaint, the procedure that follows the grievance closely approximates a judicial process, resulting in published recommendations that are binding to the State concerned. The recommendations can be appealed by the State to the International Court of Justice, as a final measure. Compliance is monitored and the ILO can take measures to enforce the recommendations/judgments, such as suspending the state’s membership from the ILO (including privileges) and calling for sanctions. So far such measures have only been used once in the history of the ILO, and the State in question was Burma (See Box).

While the junta continues to deny the systematic use of forced labour, the evidence speaks for itself. Numerous reports document in detail the systematic use of forced labour. Men, women and children are required to perform tasks for the military without financial compensation. Some tasks include maintaining military bases, cooking and cleaning for soldiers, road construction work, agricultural projects, acting as guides, portering and many more.
The impact of forced labour on communities and individuals is devastating. Forced labour directly contributes to food scarcity, loss of income, loss of opportunities to go to school and consequently poverty. As most people rely on agricultural work to survive, time spent away from their own work results in less food for their families. When villagers are forced to work for the SPDC for extended periods of time, their ability to survive is severely undermined. Furthermore, while performing these acts of forced labour villagers are also subjected to additional human rights abuses, such as torture, extra judicial executions, rape and gender based violence. The physical impacts from forced labour can be seen in the injuries the people bare but the psychological or “invisible” scars are often deeper and manifest in depression and sometimes violent behaviour.

Some villagers choose to flee into the jungle and become internally displaced or travel to Thailand to seek refugee status rather than remain in their homes and be subjected to force labour demands from the military.

In addition to the use of villagers as forced labour, the junta also makes prisoners carry out Lo-ah-pay activities (compulsory labour). In large scale military operations thousands of prisoners are used as military porters and human minesweeps. The prisoners are taken from their jails and assigned to battalions where they are literally slaves for the soldiers. There have been many documented cases where prisoners were forced to carry over 40 kilograms of equipment, while receiving very little water, food and rest. Prison porters are often worked to the point of exhaustion where they are murdered, or injured and left to die.

Unlike most other UN agencies that are merely toothless tigers, the ILO has power, as explained above. It is time that the ILO got serious. Time and time again the SPDC has been allowed to lie its way out of being accountable for its actions, offering empty promises that they has seen the error of their way and is going to reform. The saying “once fooled shame on them, twice fooled shame on me” is relevant. The junta has fooled the ILO hundreds of times – shame on the ILO.

The recent bid to get the SPDC to comply with international standards either needs to be met by the junta on every aspect, or the ILO needs to take a strong stance. It is time for the ILO to remind the junta and the world, that it is not willing to be ignored, nor is it going to allow any country to walk all over the international labour laws. I say to the ILO: plant your feet firmly in the ground, arch your back, bare you teeth and growl like the tiger you are. It is the least that is owed it to all the people of Burma who have been exploited time and time again.

Endnotes:
1 “Forced labour clause “dropped””, DPA wire, May 17, 1999:
2 ILO Website, www.ilo.org, August 2006
3 Ibid
4 Ibid
5 “From Prison to Frontline”, Burma Issues, January 2005

ARTICLE 26: THE BURMA CASE STUDY

In 1996 the ILC launched an Article 26 complaint against the Burmese military government, alleging that the junta had failed to observe the 1930 Forced Labour Convention, which Burma ratified in 1955. A three-member Commission of Inquiry was established to investigate the complaint. The commissions report state that the junta was not only using forced labour, but it’s use was systematic, widespread and increasing.

Following the report the ILC passed two resolutions. In June 1999 Burma was suspended from receiving technical assistance from the ILO and from participating in ILO meetings. One year later the ILO passed it’s second resolution, calling on ILO member states and other international organizations to “re-examine their relations” with Burma to ensure that they did not “contribute directly or indirectly” to the practice of forced labour.

As families balance precariously on the brink of survival, on the return of family members from a days work there is an excited air of anticipation. For many people in Burma, especially those in the western part of the country, families and individuals live from day to day, relying solely on unreliable labour projects for income. As the day labourers return home at night, for a moment no one knows which way they fall: into another meal or into acceptance of the situation, hoping that tomorrow brings a different outcome.

It is not that these families are unable or unwilling to work hard that they cannot support their families. Rather the military’s and the NaSaKa (border security forces along the Burma-Bangladesh border) systematic use of forced labour that creates this uncertainty. Individuals often find themselves being forced to work for the government, instead of working for their families. One farmer explained the situation, saying “we have little time to work for our family because our time is spent to provide services to the NaSaKa. My family suffers a lot. I cannot give them proper food, medicine and clothes.”

The SPDC very rarely, if ever, adequately compensates people for their work. Instead they lie to the villagers, saying that they will be paid, while having absolutely no intention of paying them. Other times they do not even bother to create this pretense, simply forcing people to work for them. A Rohingyan villager said “each time the Seingoung brings us to the NaSaKa sector headquarters for some work, they promise that they will pay us our wages, but after we complete the jobs, we receive nothing; no money and not even food. This is their most recent trick. In February, we, eight people from our hamlet, had to work in the NaSaKa camp and were promised that we would receive our wages in the evening. We repaired their houses, offices and fences. In the evening, we were given two pieces of banana each. That was our salary for the day.”

Being forced to work for the military or the NaSaKa is not just a one off occasion - it is a frequent event. “If you count how many days I had to work in April alone you will realize why I decided to flee to Bangladesh....In April I had to work 12 days and my son helped me with 4 nights,” one villager said. This villager was forced to work 12 days out of 30 (April has 30 days). His remaining time was spent trying to support his family.

Model Villages:
The SPDC has a policy of resettling Buddhist citizens into model villages in North Arakan State, where there is a large Muslim population. These model villages have resulted in land being confiscated from the local population and increased demands for forced labour. People who have just lost their land are often forced to construct villages for the new settlers. In addition to providing the labour, they usually have to supply the building materials for the villages as well.

Villages are forced to meet labour quotas. These quotas are no just filled with able body males, but also women, children, the elderly and the sick. If villagers cannot meet quotas, they are fined.

In northern Arakan State the onset of the monsoon season has meant a decrease in forced labour. This does not indicate that the SPDC has reformed or is adhering to international law. It is just a seasonal trend. In the dry season villagers as forced to produce bricks, construct roads, build “model villages” (see box) and collect items from the forest. When the season changes workers are expected to carry out agricultural duties for the authorities. However, demands for porters, camp labourers and sentries remain the same.

The demand for labour by the SPDC and its representatives the NaSaKa exacerbates the poverty that Rohingyan’s already face. When the issue of forced labour is combined with arbitrary taxation, high rice prices, late harvests and restrictions on rice transportation, people are simply forced into a terrifying position. The situation in 2005 was at crisis point, with the need for an international food donor to distribute emergency supplies to the people – efforts that were initially hampered by the authorities.

A villager from North Buthidaung sums up the situation, simply saying: “I cannot remember that we have ever experienced such bad times. The NaSaKa and the Army joined together to suck all our energy and money. How will the poor survive with so much forced labour? When will this end? Soon we won’t be able to stay in Burma. Another famine is already looming.”

All information and interviews unless otherwise stated are from “Labouring in the rain”, The Arakan Project, August 10th, 2006 and “No Rest from Forced Labour!”, The Arakan Project, May 31st, 2006.
Nearly 600 people celebrated the 56th anniversary of Karen Martyr’s day at the Karen National Union battalion 101 military base, Nyar Lee Ah Tak territory, T Nay Hsar township, Pa’ An district, Burma; which is around 5 kilometres away from the Thai-Burma border, on August 12, 2006.

Many people from different places such as the refugee camps in Thailand, Mae Sot town, Thailand, Japan, England, France, Norway and USA, participated in the 56th anniversary celebration ceremony of Karen martyr’s day in the military base to mark this honorable day together with a military honour guard, soldiers and civilians.

Martyr’s Day marks the anniversary of the death of the Saw Ba Oo Gyi, the KNU president, and several of his friends, all high ranking leaders of the KNU, who were killed in the rice field while they were sleeping in a farm-hut near Toe Kaw Koe village, Kaw T’rik Township, Dooplaya district on August 12, 1950. Burmese soldiers surrounded the group while they were sleeping and demanded they surrender. When Saw Ba Oo Gyi and his friends refused, fighting broke out. All the KNU leaders were killed except Saw Ba Oo Gyi, who was taken, tortured, dragged along the road and killed later that day.

Since that day, martyr’s day was started to mark all KNU leaders, soldiers, Karen villagers and people who have fallen fighting against war and persecution. Martyr’s day does not mean that only Karen soldiers were dead in the war, but also villagers, innocent people, who have died as a result of the war. Their tragic deaths do not go unnoticed as people still remember, respect and admire their sacrifice. The Karen community also remembers the family members of those who have died who are still facing many difficulties.

It is also a celebration of the survival of the Karen people. Since the first Karen Martyr’s day 56 years ago, tens of thousands of people have become causalities of the Burmese junta’s war against the Karen people. This day inspires Karen patriots to follow in their heroes’ footsteps and fight for what they believe in.

Mostly, the Karen martyr’s day celebration ceremony goers in this area wore traditional Karen clothes, except for the soldiers, several foreigners and primary students (the students were wearing school uniforms). However, all of these attendees were very excited to be here to mark the special day for Karen people in Burma. For some attendees it was the first time they had been to Karen State and their first experience included seeing the Karen community celebrating a very special day.

Most people who came from Mae Sot, Umphiem refugee camp, Mae La refugee camp and several foreigners were transported to the territory without charge. To get to the celebrated place, all the ceremony goers had to first get into the car and travel to the border and secondly into a boat to cross the river. It is around one hour to drive from Mae Sot town to the Thai-Burma border.

At this ceremony, around 30 widows whose husbands had been lost in the war were offered special gifts and garlanded with a colorful decoration strips. These widows, whose husbands were all soldiers in battalion 101, are still loyal to their dead husbands, heroes who have been gone for many decades - gone to the paradise of the after life. They still hold onto the same stance and belief of their husbands that always inspire them not to be a slave to the Burmese troops.

At the ceremony battalion 101 deputy commander Saw Tha Sua addressed the people at the ceremony. He told audience that the sacrifice of the dead soldiers and their wives will never be forgotten in Karen history. Saw Tha Sua encouraged the families of soldiers who had died to stay committed to the goals and beliefs that their loved ones had fought for.

According to one soldier, the widows were so happy that they cried; because they saw that a number of their dead husbands’ comrades are still committed to fighting for their nation. To the soldier it seemed that they were proud of their dead husbands.

During this ceremony there was a marching honour guard, three celebratory bombs were exploded, the Karen national flag was hoisted and the Karen national song was sung. This made me feel disappointed and I cried, as I had noticed that there is a responsibility remaining on me to sacrifice my life for not only my people, but also for all ethnic people who have been the victims of war and oppression over 50 years, as long as I survive in this world.
Hydro Dam May Force 30,000 to Move: The northwest Burmese town of Khamti on the border with India would be submerged and its 30,000 inhabitants forced to move if a proposed hydro-electric dam project goes ahead, environmentalists claim.

The project, mainly intended to supply electricity to India, would also displace 35 Kuki villages and flood 17,000 acres. The proposed dam is supposed to also affect the Naga, another ethnic group.

India-based Kuki Students’ Democratic Front spokesperson Lu Lun said “so far there has not been any consultation with the affected Kuki people.”

A memo of understanding has been signed between the Burmese junta and India’s National Hydro-electric Power Corporation which would build and operate the dam.

Burma Government Moves to Curb Border Trade Corruption: Burmese government officials are to serve shorter terms at Burma’s border checkpoints, on a rotational basis, in what is being seen as a move to curb corruption.

The government decision, confirmed by a senior official at the Ministry of Commerce, follows a series of raids and arrests in Myawaddy, near Thailand’s northern border with Burma, and in Muse, on the Burmese-Chinese border.

Currently, border trade checkpoints are jointly administered by officials from several government offices, including the departments of customs, border trade, internal revenue, immigration and national registration, the police force and the Myanmar Economic Bank.

In future, the officials will be assigned to terms of duty lasting four months, after which they will be rotated among Burma’s 13 border trade zones, said a Ministry of Commerce official.

Red Cross bared from visiting prisons: Burma’s ruling junta is refusing to let the Red Cross visit prisons where some 1,200 political prisoners are being held under abysmal conditions, a Red Cross official said.

The International Committee of the Red Cross has not been granted access to the prisons since December, and a meeting between its representative and Burma’s military government earlier this week failed to end the ban.

Venezuelan Envoy Makes Rare Trip to Burma: Vladimir Villegas, a special envoy of Venezuelan President Hugo Chavez, made a rare diplomatic visit to Burma on behalf of the South American country, meeting with Prime Minister Soe Win and Foreign Minister Nyan Win in Pyinmana. The substance of discussions between both sides is not known. The visit represents a rare diplomatic interaction between Burma and Venezuela. Neither country maintains an embassy in the other. Venezuela has no mission in Thailand.