



(C.4)

## **Analysis on the status of the economic, social, cultural and environmental rights of people in Burma ( 2007 )**

### **Introduction**

This report analyzes the extent to which the expansion of globalization and government policies have impacted the economic, social, cultural and environmental rights of the people in Burma and contributed to the increase in poverty. Due to corrupt and unqualified government administration, foreign companies that invested in Burma following the transition in 1988 to a market driven economy have destroyed people's livelihoods, resulting in human rights abuses and poverty. This report also analyzes how the lack of government accountability, rule of law, freedom, transparency and security has caused human rights violations.

### **The causes of poverty**

Forty-six years of military rule have made Burma one of the poorest countries in the world. According to the UN, around one-third of Burma's people survive on less than US \$1 a day<sup>1</sup>.

Many of the regime's economic policies have negatively impacted people's economic life because they fail to create an environment in which people can fully participate in and benefit from the economy. For instance, private ownership rights are not guaranteed in Burma. People's properties are subject to government expropriation at any time. Hundreds of thousands of farmers have been deprived of their livelihoods by illegal confiscation of their lands. Furthermore, there are several restrictions on trade practices, such as a prohibition on trade from one region to another and travel restrictions. These restrictions prevent people from conducting business. Burma does have several taxation laws but the military regime and law enforcement agencies do not comply with the laws, levying much more taxation than the laws proscribe, which in turn causes an increase in the price of goods that pushes people deeper into poverty. Criminalization of possessing foreign currency is another big barrier to conducting business. Moreover, the infrastructure which is essential for economic development, such as transportation, electricity and water supply, is neglected and delays the economic development of the country. Burma does not have anti-trust law which prevents monopolies; thus, a limited group of government-controlled companies dominate the market, preventing common people from owning businesses in many important sectors. Access to communication, such



as email and internet, is very limited in Burma. During the people's uprising in September 2007, the government cut off all network services. Today's market economy relies heavily on accessible communication – extreme restrictions make it almost impossible to conduct business.

The government mismanagement led to the increase in the price of goods that sparked the demonstrations in August and September, 2007. Prices were increased by up to 4 or 5 times. People could not make ends meet. Even after monks led the demonstrations, the government did nothing to meet the people's demands, instead calling in armed forces to violently disperse the demonstrators, arrest hundreds of participants and crack down on the peaceful monk and civilian protestors. The crackdown resulted in an increase in political prisoners. As of January 31, 2008, there were approximately 706 more political prisoners than in 2006, reaching an estimated total of 1,864 excluding cases of detention since the crackdown<sup>2</sup>. Those political prisoners have been subjected to torture and various forms of ill-treatment and many have even been denied access to proper medical care<sup>3</sup>.

### **Social impact of failure to adequately allocate budget for health and education**

The military regime has not released information about the allocation of its budget for many years. Nonetheless, according to the International Institute for Strategic Studies, in 2007 the regime spent 0.4% and 0.5% of the total budget on health and education, respectively, while it spent 40% of the national budget on the defense<sup>4</sup>. This underfunding of essential services deprives the citizens of their right to education, health care and an adequate standard of living. As a result, many children cannot afford to go to school. According to the UN, half of all children in Burma fail to complete primary school<sup>5</sup>.

Since the government has spent so little of the national budget on health care, the poor have no real access to hospitals and adequate medical attention. The basic social service system provided by the government is insufficient for the amount of people who need it and the current level of poverty. There are some foundations and religious groups that provide social centers for the disabled, orphans and the elderly, but those foundations are limited to providing specific social services and can only serve a limited number of people. The government has no interest in taking care of these vulnerable groups, who are then left without support.

### **Environmental impact and human rights violations as a result of trade**

Burma trades primarily with neighboring countries such as Thailand, China and India. Natural resources such as timber, hydroelectric power and natural gas are the primary exports. The focus on exporting natural resources rather



than services and manufactured goods has caused environmental destruction, loss of livelihood and human rights abuses. Most foreign investors and domestic companies mainly concentrate on natural resource exploitation, which creates only a small employment opportunity. The following cases are examples of how the trade practices of the government negatively affect the rights of the people.

### **Impact of logging and mining**

After the Burmese government reached a ceasefire agreement with an ethnic Kachin armed group in 1994, the military regime signed a contract with China to cut down timber and hardwood in Kachin forests. Due to deforestation, there was a historic flood in Kachin state in 2004, climate change and an increase in temperature<sup>6</sup>. In another example of trade having a negative environmental impact, Chinese companies were allowed to extract gold along Burma's longest river, the Irrawady. They amalgamated large amounts of mercury with the gold and dumped it into the river. Now, the Irrawady has been polluted with mercury that threatens the health of the people<sup>7</sup>. Burma is one of the world's top-producers of high-quality rubies and is the top jade producer<sup>8</sup>. However, Burma's gem mines, which are ruled by military authorities and mining companies, experience unsafe working conditions and flagrant human rights violations, including widespread land confiscation, extortion, forced labor and child labor<sup>9</sup>. Careless use of machines and oil has caused environmental pollution. Infectious diseases such as HIV/AIDS, malaria and tuberculosis are increasing in mining areas and, because of readily available drugs, more and more people have become drug users and addicts<sup>10</sup>.

### **Impact of dam and hydropower projects**

Around 2005, the Burmese military regime signed a memorandum of understanding with Thailand and China to construct a series of hydropower dams along Salween River. Salween Watch reported that human rights violations, including forced relocations, rape, forced labor, illegal confiscation of property and murder, are common in these areas. At the Tasang site in Shan state, 300,000 people have been forcibly relocated since the dam studies began<sup>11</sup>.

### **Impact of gas pipeline project**

Another example of a trade agreement that has brought human rights abuses is the construction of a pipeline to export natural gas. In the 1990's, the 260 kilometer-long *Yadana* natural gas pipeline was constructed from the Andaman Sea, across Burma, to Thailand. Forced labor was used for project infrastructure and villagers were made to carry arms and supplies for soldiers patrolling the pipeline route. Local people were subjected to abuses such as extrajudicial killings, torture, rape and extortion by pipeline security forces. Villages were relocated to clear the way for the pipeline and villagers' lands along the pipeline route were confiscated<sup>12</sup>. Similarly in Arakan state of western



Burma, since 2000, Korean international company Daewoo has been exploring underwater gas in the Bay of Bengal off the Arakan coast. Military presence was increased in the area to secure the gas pipeline. Along with the increase in troop deployments came a corresponding increase in human rights abuses such as extortion, violence, forced labor and land confiscation to make way for barracks, outposts and other military infrastructures<sup>13</sup>.

### **Impact of contract farming**

In December 2005, Burma signed a contract farming agreement with Thailand, in which Burma agreed to reserve 17.5 million acres for Thailand to plant crops such as sugarcane, palm oil, maize, cassava and rubber to be supplied to factories in Thailand<sup>14</sup>. This contract farming agreement increased land confiscation in Shan state and Kachin state<sup>15</sup>. For instance, with the help of the military regime, the State Peace and Development Council (SPDC), the pro-junta Yuzana Company seized over 200,000 acres of land in Hukawng Valley to cultivate crops for Thailand<sup>16</sup>. Similar land confiscation is taking place throughout the country for many other purposes. In Burma, land is the primary source of livelihood for more than half of the population. The government confiscation deprives hundreds of thousands of people of their livelihood.

### **Restrictions on international humanitarian work**

The SPDC's foreign aid regulations require that all forms of aid come through the state system. When aid enters the country, the military regime takes a portion of it, leaving only a greatly reduced amount for the intended beneficiaries. The regime also uses several means to restrict aid, including travel restrictions, examinations of all Burmese staff hired by international organizations, administrative harassment such as delays or denials of passport renewals for Burmese UN staff, and denials or revocation of permission to hold meetings<sup>17</sup>. The effect of the SPDC's policies can be seen from the withdrawal of Global Fund, an international organization that provided a large amount of humanitarian assistance to Burma, especially in fighting AIDS, tuberculosis and malaria. In December 1995, Global Fund withdrew its humanitarian assistance from Burma due to increased travel restrictions<sup>18</sup>. The Burmese military regime's restrictions on humanitarian work deprive the citizens of their right to access health care and are arguably a violation of human rights.

### **Child labor and child soldiers**

Burma is still using a large number of child soldiers. Human Rights Watch has estimated the number of child soldiers in Burma to be as high as 70,000<sup>19</sup>. Children are often forced into the army to compensate for a lack of adult recruits, sometimes through beatings and threats<sup>20</sup>.

Children are unprotected from exploitation in Burma. For the survival of their families, many children have to work (and are paid less than adults), often



at teashops, restaurants, construction sites, and as domestic workers<sup>21</sup>. Shop owners prefer hiring children because they are cheaper<sup>22</sup>. In Burma, one can see children selling water, cigarettes, newspapers and journals at train and bus stations when they should be at school<sup>23</sup>.

Burma acceded to the Convention on the Rights of the Child (CRC) in 1991. As a member state of the CRC, Burma has a responsibility to respect the rights of children and fulfill its obligations under the CRC. Every year, however, the military regime fails to take effective action to prevent children from being exploited by businesses, even when they use child labor in government development projects. Moreover, despite denials, the regime forcibly recruits children into the army.

### **Gender inequality and women's rights**

In the entire bureaucracy of the ruling military regime, there are no women in high government positions. Women's participation in government continues to be denied by longstanding traditional attitudes of men toward women. In addition, women are in danger of being trafficked as foreign brides or prostitutes.

As a result of the Burmese government and its neighboring countries reaching border trade agreements, the sex industry has developed in some towns located at border crossings. Hundreds of thousands of Burmese women seek jobs in these border towns, mainly in the sex industry<sup>24</sup>. This situation enables women to be trafficked very easily to neighboring countries. The Burmese government's failed economic policies have a clear connection to this problem. A primary reason why women are forced to leave their homes for work in border towns and neighboring countries is the lack of jobs in Burma. Burma signed the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1997. As a member state, the Burmese government has an obligation to protect and promote the rights of women and provide sufficient social security for women. The government has not taken effective action to prevent women from being abused and trafficked. It also has done nothing about the CEDAW obligation to establish women empowerment programs.

### **Ethnic minorities and linguistic rights**

Burma is a multi-ethnic nation with over one hundred spoken languages. But the government has never tried to teach ethnic languages or literature in schools. In order to keep their own literature alive, ethnic groups teach them in monasteries and churches at their own expense. In some cases, even teaching ethnic literatures in monasteries and churches is banned by the authorities. Some observers and critics have even called the oppression of the ethnic groups "Burmanization", as many ethnic people have themselves experienced.



## Conclusion

The absence of the rule of law is the root cause of all the aforesaid problems. The country needs good governance which is accountable and transparent. The government must refrain from interfering in economic activities. In the case of Burma, too much government intervention in economic activities hinders the success of a market based economy. People's participation in policymaking is institutionally denied. Civil societies are weak in Burma compared to neighboring countries. The 1988 Law Relating to Formation of Organizations restricts the formation and growth of civil societies. There is no civil society campaign demanding that the government fulfill the needs of the population. International humanitarian aid fails to reach the population without first benefiting the ruling regime. International monitoring mechanisms are needed to make sure the population is benefiting from foreign aid. Burma urgently needs policies that promote the genuine principles of the rule of law, good governance, institutional reform, administrative reform, human resource development, employment creation, poverty reduction and social sector development. All people, including socially disadvantaged groups and ethnic minorities, must fully participate in such an integrated development process.

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### (Endnotes)

<sup>1</sup> <http://www.irinnews.org/Report.aspx?ReportId=76279>.

<sup>2</sup> <http://www.aappb.org/release100.html>.

<sup>3</sup> Id.

<sup>4</sup> Mizzima News  
, 1 January 2007.

<sup>5</sup> <http://www.irinnews.org/Report.aspx?ReportId=76279>.

<sup>6</sup> A choice for China, Global Witness Report 2005.

<sup>7</sup> Ecological Crisis: A Kachin Experience, by Ningrang Tu Nan, Kachinnet.

<sup>8</sup> Human Rights Watch in News, Burma Gem Trade and Human Rights Abuses, January 11 2008.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Salween Watch 2007, Volume 1, pages 1, 3.

<sup>12</sup> [http://www.earthrights.org/site\\_blurbs/yadana\\_natural\\_gas\\_pipeline\\_project.html](http://www.earthrights.org/site_blurbs/yadana_natural_gas_pipeline_project.html).

<sup>13</sup> Shwe Gas Report, July 2006, page 22, by All Arakan Students and Youth Congress.

<sup>14</sup> <http://ethnicvoices.civiblog.org/blog/Thailand>.

<sup>15</sup> Shan Herald Agency for News, 25 January 2006.

<sup>16</sup> Kachin News Group, 17 Aug. 2007.

<sup>17</sup> <http://www.irinnews.org/Report.aspx?ReportId=75910>.

<sup>18</sup> <http://www.sciencemag.org/cgi/content/summary/309/5739/1312a>.

<sup>19</sup> <http://news.bbc.co.uk/2/hi/asia-pacific/7216848.stm>.

<sup>20</sup> Id.

<sup>21</sup> [http://www.rehmonnya.org/allwcrp\\_detail.php?id=24](http://www.rehmonnya.org/allwcrp_detail.php?id=24).

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> Driven Away, Kachin Women Association Thailand , 2005, pages 18,20.

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