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Statement on the Abolishment of the Union Solidarity and Development Association

We, the Burma Lawyers' Council demand that the State Peace and Development Council immediately abolish the Union Solidarity and Development Association due to its ambitions to transform into a political party in contravention to Myanmar's domestic laws.

Origins

The Union Solidarity and Development Association (USDA) was formed on September 15, 1993 by the then governing State Law and Order Restoration Council (SLORC). The SLORC claimed that the formation of the USDA was legal and in accordance with SLORC Law No. 6/1988.

The stated purpose of the USDA was to perform social welfare activities and register as an association with the Ministry of Home Affairs.

SLORC Law No. 6/1988 Relating to Forming of Organizations

In reality, the USDA contravenes the SLORC Law No. 6/1988 which states the following:

SLORC Law No. 6/1988

Chapter III: Organizations not permitted to form

5. The following organizations shall not be formed, and if already formed shall not function and shall not continue to exist:

(d) Organizations that are formed with the service personnel from the Tatmadaw and the People's Police Force of the defense forces and personnel of public service organizations, State owned economic boards, corporations and other organizations of the State machinery or with service personnel receiving monthly emoluments from the State budget and being either under the influence of or associated with a political party.

The chairman of the USDA is Sr. Gen. Than Shwe, who is also the Chief of State. USDA members include soldiers, police and government staff. The USDA



is, by all accounts, under the direct influence of the military dictatorship. According to the SLORC Law No. 6/1988, mentioned above, this organization is blatantly in breach of the country's own domestic law. This organization is illegal and should be abolished.

Activities of the USDA

In reality, the USDA's activities are in contradiction of their stated purpose; to perform social welfare activities. One of the main functions of the USDA seems to be to run a defamatory campaign against Daw Aung San Suu Kyi and viciously attack opposition associations through state media organs. Unfortunately, the state media organs pump out only pro-junta propaganda making this the only state sanctioned "official" information accessible to Burmese citizens and the international community.

In addition to pursuing slander as a policy, the USDA has perpetrated numerous heinous crimes against Burmese citizens. The May 30, 2003 attack on NLD members and attempted assassination of Daw Aung San Suu Kyi in Depayin was committed by the USDA. Also, on April 18, 2007, in Oakpon village in Hin Sa Ta Township, human rights activists U Myin Naing and Ko Maung Maung Lay were attacked with sticks and stones by USDA members and subsequently sent to jail.

It must also be noted that the above information was not broadcast by any media organizations inside Burma. It was only through outside, independent media that such information has been made available throughout Burma and the international community

Essentially, the USDA has considerably contributed to the deteriorating security situation for Burmese citizens. These activities can hardly be considered a contribution to social welfare. The USDA is terrorizing the population. They are a puppet of the military regime and have committed a wide range of crimes. This is in direct contravention of Myanmar's own Unlawful Associations Act of 1908 Section 15 2(a), which states that: "Unlawful association means an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

The USDA is, therefore, defined by domestic Myanmar law to be an Unlawful Association and should be immediately abolished.

Current Activities of the USDA

Currently the USDA is pursuing a path to becoming a political party. The USDA Secretary General Htay Oo gave a press conference at the Association's



Rangoon headquarters during which he explained that due to the current political situation, the USDA will form a political party for participation in the 2010 elections. The politicization of the USDA and the fact that it is almost entirely made up of government workers and political figures places the organization well outside the realm of legality as defined by the SLORC Law No. 6/1988.

In addition, the Rangoon Mayor, Major General Aung Thein Lin, transferred ownership of the City Taxi Company from Rangoon municipality to the USDA. The USDA also, although unofficially, uses government property throughout the country. The use of public funds by political parties is defined as illegal by Myanmar law.

Currently, the USDA is campaigning to oppose the opposition parties including the NLD and other associations in the 2010 elections.

Legal Analysis

1. The USDA has broken the 1908 Unlawful Association Act Section 15 2(a) and the SLORC Law No. 6/1988 Section 5(d). If the military authorities were to follow the rule of law and respect the people's security, they would immediately abolish the USDA.

2. SLORC Order No. 3/88 stipulates that political parties cannot use public funds and SLORC Order No. 1/91 states that public servants may not be members of any political party.

Therefore, the USDA is in contravention to domestic law and has committed many crimes against the people of Burma. It is defined by Myanmar law that the USDA as an organization cannot stand as a political party. In addition, the USDA is an illegal organization and must immediately be abolished.

We, the Burma Lawyers' Council call for the immediate abolishment of the Union Solidarity and Development Association as it is, by all accounts, and illegal organization.

Legal Analysis Team
Burma Lawyers' Council

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