

BURMA ISSUES

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The July ASEAN Ministerial Meeting, held in Bangkok, was an important meeting because SLORC had been invited to attend as a special guest of Thailand. Despite criticism from both the international and local communities, the invitation was not canceled and SLORC's Foreign Minister, Ohn Gyaw represented SLORC for the first time in this regional assembly.

While the meeting was in progress, and while Ohn Gyaw tried to impress on those gathered the military regime's sincerity in holding cease fire talks with the opposition groups and bringing democracy to Burma, an unarmed refugee camp inside Burma was attacked and burned by SLORC troops.

This issue of Burma Issues explores the ASEAN meeting, and what effects, if any, it might have on the peace process in Burma.

Thai NGOs hold up banners protesting ASEAN's "constructive engagement" policy towards Burma. The group demonstrated in front of the Shangri La Hotel in Bangkok during the opening ceremonies of the July ASEAN Ministerial Meeting.



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THE ASEAN WAY TO HUMAN RIGHTS AND DEMOCRACY

by N. Chan

On the morning of July 22, 1994, a group of Thai citizens gathered in front of Bangkok's Shangri La Hotel where the opening ceremonies of the 27th ASEAN Ministerial Meeting were in progress. They carried signs protesting ASEAN's constructive engagement policy towards Burma, and the presence of SLORC's Foreign Minister Ohn Gyaw. Inside the hotel lobby, another group of Thai citizens waited patiently for Thai Prime Minister Chuan Leekpai to leave the hotel so that they could deliver several letters of appeal to him along with documents outlining reasons why constructive engagement is not a "constructive" policy for either Thailand or ASEAN to follow. As two women from the group approached PM Chuan to hand him the materials - a very common practice in Thailand - policemen suddenly grabbed them and roughly removed them from the lobby, bruising them in the process.

A relatively small incident perhaps, but one which seemed to reflect the overall mood of the ASEAN meeting. The meeting, attended officially by foreign ministers of Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand, was also attended by ASEAN's Western dialogue partners led by the USA and Australia, who, in the past, have been very critical of the constructive engagement approach of ASEAN towards Burma. This year's meeting, however, was much more sensitive than in past years since Thailand, as host, had also invited SLORC to attend as a special guest, causing considerable international criticism. ASEAN, wanting to make certain its policy towards Burma would be promoted as a success, did not want any protest, especially from within its own territory. The protest in front of the

hotel and from within the lobby itself, was one of the first times that a Thai group has openly and specifically challenged constructive engagement on the streets. Small as the protest was, it obviously was seen as a serious threat to the success and stability of the ASEAN meeting.

What makes a protest against constructive engagement such an issue of concern to the ASEAN foreign ministers? There could be several reasons.

The Thai protest in front of the hotel, and several other meetings happening around Bangkok at the same time, called for an emphasis on human rights rather than economics as a priority in setting national and ASEAN foreign policy. Some western countries have been raising this issue for some years now. All ASEAN states have plenty of human rights skeletons in their own closets and are concerned that if human rights is allowed to become too much of an agenda issue for Burma, they too might soon face sanctions for their own human rights abuses. In Thailand, for example, the very fact that a small group of Thai citizens were not allowed to present letters and documents to the prime minister raises a concern about freedom of expression in the kingdom. At the same time, an NGO forum being held on the opposite end of the city came under severe police harassment because two of the topics to be discussed were Burma and East Timor. Police attempts to arrest foreigners attending the forum because they did not have work permits for Thailand failed because Thai human rights lawyers were on the scene to intervene.

Thus human rights is an extremely sensitive issue for the ASEAN foreign ministers and they would rather

stick to discussions on economic growth as a way of introducing democracy to Burma rather than on the legality of SLORC, or the plight of the hundreds of thousands of displaced people suffering throughout the country.

A second reason could be that many of the ASEAN countries are more interested in the economic gains they can make by relating with SLORC than in any growth or development of democracy in the country. Criticisms along this line have made them a bit defensive. Prime Minister Chuan Leekpai, responding to a suggestion that constructive engagement was aimed more at protecting Thai economic interests in Burma than in promoting human rights blurted out, "I want to ask if the person who thinks that way is a Thai. If the Thai people think we should not do something for the country, then that's wrong. Everybody and not just the Government must have this concept that Thailand also needs to look after its own interest." (BP940722)

An editorial in *The Nation*, a Bangkok-based English language paper, pushed the issue a bit further. "While Bangkok pronounces repeatedly that the development of democracy in Burma is an internal affair, and turns a blind eye to it, Thailand proceeds to support the country's development in the opposite direction by doing business with the SLORC, all in the name of constructive engagement. Under constructive engagement, ASEAN is engaging the SLORC politically, supporting it economically and turning a blind eye to its crimes against its own people." (TN940526)

Even Malaysia, a Muslim country which once expressed grave concern over the plight of nearly 300,000 Muslim refugees forced to flee

Burma because of SLORC's repressive policies (over 200,000 still remain in Bangladesh as refugees and a recent report suggests that they are being forced back into Burma against their will), now parrots the constructive engagement line. Malaysia's Ambassador to Thailand Zainal Abidin Alias recently said, "The way to draw out Burma is through persuasion rather than by force or sanctions. That is the rationale behind constructive engagement." (BP940718) Malaysia is said to have three projects in Burma worth US\$53.75 million.

As long as economics, rather than human rights and legality, remain the determining factor in ASEAN's foreign policy, the people in Burma can not expect to experience any democratic growth. Even the ASEAN Ministerial Meeting's attempt to gloss over the realities of Burma in order to justify and continue their policy can not hide this truth. SLORC has no intention of turning over power to an elected government. Four years ago Burma's first free and fair elections were held after 26 years of one-man rule. Before the elections, 1st Secretary of the SLORC and military intelligence chief Khin Nyunt said, "Elections will be held as soon as law and order have been restored and the army will then hand over power to the party that wins." General Saw Maung, then chairman of SLORC, repeated the pledge by saying, "We [the SLORC] have absolutely no desire to hold on to power for a prolonged period." (TN940526) But, four years later, SLORC remains in total control of the country and is trying to ram a constitution through a national convention which would ensure that it continues to play a leading political role far into the future.

The 27th ASEAN Ministerial Meeting was, in many ways, a success for the constructive engagement policy. SLORC's Ohn Gyaw

survived the days in Bangkok with little harsh criticism from those attending the meeting. Several of the western dialogue countries, especially the European Community, Australia, New Zealand and the US were said to have drastically softened their approach towards Burma. Thai deputy Foreign Minister Surin Pitsuwan announced that "Many countries have softened their position towards Burma and now consider constructive engagement as the right approach in achieving positive development." (TN940727)

Whether or not this is true still remains to be seen. The US has continued to criticize SLORC, and recently transferred the second-ranking American diplomat at the US embassy in Bangkok, Deputy Chief of Mission Matt Daley out of Thailand, apparently for making a trip to the Thai-Burma border on April 27 with a Thai government representative, Xuwicha Hiranprueck, one of the master minds of Thai policy towards Burma. The trip was seen by many people as tacit US support for Xuwicha's policies. (BP940703)

International criticism, however, is probably not the most worrisome thing ASEAN has to deal with when it comes to Burma. There is a rising voice of discontent among NGOs and opposition groups within ASEAN itself as illustrated by the demonstration held outside the ASEAN meeting. Other groups have also become more vocal and outspoken. They include:

1) Members of the Thai Mon community who say that the atrocities of SLORC "far surpass the record of the death railway during the Second World War by the Japanese." Spokesman Pisanh said Thailand had been pressuring Burma's Mons to negotiate with the junta because senior Thai officials and their asso-

ciates had been promised a share in a gas pipeline running through Mon land. (BP940721)

2) The Singapore Democratic Party condemned Singapore's policy towards Burma and called for it to sever all links with the military-led regime. It blasted the Government's policy of constructive engagement - to use investments and business links to influence political developments: "This is altogether too naive as we are dealing with military dictators who are bent on controlling the country come what may." (Straits Times 940728)

3) A group of Malaysian trade unions, political parties and human rights organisations urged ASEAN to withdraw SLORC's invitation to the ASEAN meeting. "Inviting Burma will amount to condoning and endorsing the undemocratic and repressive policies of the Burmese junta" asserted Lim Kit Siang, leader of the opposition in Malaysia's Parliament. (TN940527)

While ASEAN countries can ignore western criticism by saying that the "Asian understanding" of human rights and democracy is very different from the "Western understanding", they can not so easily sluff off the criticism which comes from their own people. Human rights is not so different the world over, and every citizen on the planet is entitled to those rights be they American, Burmese, Karen or any other ethnic group. The ASEAN foreign ministers will need to listen more carefully to their own people, and there are indications that this voice is going to grow and become more courageous in the coming months.



NO ASYLUM HERE: MON REFUGEES SUFFER BRUNT OF ASEAN POLITICS*by C.A.C.*

While diplomats attending July's ASEAN meeting in Bangkok were busy promoting the success of constructive engagement, several hours away Burmese soldiers were also busy-- successfully promoting a more credible image of Burma's military oppression. The Burmese army's attack on Halockhani, a village just over the Burmese border where Thai authorities have recently relocated 5000 Mon refugees, sent the asylum-seekers fleeing back into Thailand and diplomats flying into denial.

In the aftermath of the attack-- and in the midst of fresh efforts to evict the Mon from Thai soil-- people concerned with human rights and peace in Burma are left with a notebook filled with questions. How could refugees be sent into such a dangerous environment? What did Thailand stand to gain from such an imprudent repatriation, and what has been the cost of the tragedy at Halockhani? Why was no preventive action taken when it became clear that Halockhani was in peril? Why would Burmese troops carry out such a visible and reprehensible campaign at the very moment of SLORC's debut on the regional and international political circuit? How is the refugee's fate linked to cease-fire talks between SLORC and the New Mon State Party? What are the implications for the refugees' future? What can be done to publicize the attack and use it to exemplify the deception of the current political trend to embrace SLORC?

A brief rehearsal of the events at Halockhani will be useful. Throughout 1993, pressure was building on the Mon National Relief Committee and the leaders of Loe Loh camp, in Thailand's Kanchanaburi province, to move the

camp's several thousand inhabitants back over the border to Burma despite refugees' concerns over safety. This pressure came from the Thai army's 9th Division in Kanchanaburi. The chief of border affairs, Colonel Nimit Maliyaem, complained that the refugees were using up precious Thai natural resources, and claimed that they would be safe just across the border at Halockhani. Despite reports of increasing troop movement in the area, the repatriation carried on through the first quarter of 1994. On June 20th two Burmese soldiers from 62nd Light Infantry Battalion, headquartered at Three Pagodas Pass under the command of Maj. Aung Myint, entered the camp armed and belligerent, demanding food and verbally abusing the refugees. The soldiers were driven off by home-made hunting rifles, and the next morning a search party found and identified one of the soldiers' bodies. This event amply demonstrated that the camp was in fact not safe, and any agreements between the Thai 9th army and the 62 LIB were not being honored.

According to several reports, on the morning of July 21, over 100 troops from the 62nd LIB entered and occupied the westernmost (furthest inside Burma) section of the large camp, known as Kwan Saya (or Pulai Thumpai) and arrested 16 camp officials. As they moved to the main section of Halockhani, the advancing troops put approximately fifty refugees in front of them as a "human shield." About halfway to the main camp, Mon rebels came out of the surrounding forest and ambushed the Burmese troops, forcing them back to Kwan Saya. The 62 LIB then burned 50 houses in the section and retreated with its prisoners, telling the refugees that they

must all leave Halockhani or they would be killed.

This violence prompted almost all 5000 refugees at Halockhani to flee to a Thai Border Patrol Police checkpoint just inside Thailand, where they remain camped in very difficult conditions. The Thai 9th army has once again called for their immediate repatriation.

A pattern that may aid an analysis of the Halockhani tragedy is the inconsistency between national diplomatic rhetoric and local action, in both Thailand and Burma. Anyone involved in refugee aid in Thailand recognizes that local civilian and military officials often act in complete isolation from their national counterparts or spokesmen, let alone the laws and policies that might govern their work. In Burma, although the image of SLORC as a unified military superstructure is often promoted in the press, the Halockhani attack was so poorly timed and so politically disastrous that this perception is difficult to maintain. Therefore, two forms of relationship between officials of Burma and Thailand seem to dictate border policy: direct high-level diplomatic and economic contact, in which prominent leaders shuttle back and forth carefully navigating sensitive global politics; and localized contact, often indirect, in which territory, business and military strategy are negotiated by local powerholders.

The original Halockhani repatriation is widely understood to be the result of an attempt by the Thai government's National Security Council to bridge this gap. An unofficial envoy of the NSC, a wealthy and influential Thai businessman, has been involved both in the cease-fire talks between SLORC and the NMSP and in formulating Thailand's Burmese refugee policy. As

the talks became deadlocked, the envoy sought ways to pressure the Mon. Refugee repatriation-- forcing part of the population into a dangerous environment, and consequently saddling an over-stressed NMSP with additional burdens-- was an expedient tactic. Signed cease-fire agreements would do much to improve SLORC's image internationally, paving the way for increased investment by Thailand and creating the perception that the thousands of refugees in Thailand-- a particular embarrassment to SLORC-- could return home safely.

If this indeed was the logic for the repatriation, then what was the logic for the attack? While SLORC Foreign Minister Ohn Gyaw was showing SLORC's smiling face in Bangkok, why was Major Aung Myint baring his teeth on the border? One unsubstantiated theory is that SLORC's martial unity is in fact a facade, and the recent international overtures and cease-fire negotiations with ethnic minorities have created or exacerbated a division within the military government. The intelligence wing, including Secretary 1 Khin Nyunt, recognizes that cease-fire agreements and shuttle diplomacy are essential to SLORC's grip on power. The army faction, on the other hand, sees the opportunity to extinguish its enemies once and for all, thus protecting its officers' considerable economic interests in the civil war zones and creating even more opportunities for personal profit.

Speculation aside, one thing is clear: neither the Thais nor the SLORC will see its international image improved by Halockhani. Nevertheless, both seem determined to continue strong-arming the refugees. The 9th army and NSC are now in unison calling for immediate repatriation, despite troubling reports that Burmese troops have been

patrolling along the border. Although the August deadline dates have been repeatedly set back, there is no indication from any level of Thai government that the Mon will be offered any form of sanctuary in Thailand.

By all informed accounts, the Mon will be sent back to Halockhani-- a place of no asylum which has been violated by the Burmese army and placed squarely in its gunights.

Alternately labelled "refugees," "economic migrants," "illegal entrants," "ethnic minorities," and "insurgents," the pawns in these local and regional political games are in fact human beings. Lacking the recourse of a national legal structure or international sympathy, they have lost their most basic rights to liberty and personal security. It is frighteningly apparent how, in the absence of these rights, the Mon and other Burmese nationalities find no protection either in Burma or Thailand.

Nor have the exalted offices of the United Nations High Commissioner for Refugees demonstrated any sustained or trustworthy interest in the Mon. No public challenge to the Royal Thai Government about its involuntary repatriation of the Mon, nor any monitoring of the security situation at Halockhani, nor any protest to the blockade of basic food and medicine supplies to the site, nor any challenge to Thailand's flippant refusal to recognize any "refugees" from Burma at all, could be recorded in defense of UNHCR. Nevertheless, when the attack on Halockhani became a matter of public outcry, even the UN's gleaming caravan made it to the border. Whatever pro-

test UNHCR has made to the Thai government will remain a mystery, for according to a local representative it has no intention of releasing a public statement.

By all informed accounts, the Mon will be sent back to Halockhani-- a place of no asylum which has been violated by the Burmese army and placed squarely in its gunights. If for no other reason, the refugees will go back because the fetid mud and poor sanitation at the border checkpoint threaten an outbreak of disease. The new deadline is August 25, at which time it is reported that Thai BPP troops will begin destroying the refugees' temporary homes. Whether or not this date remains firm, it is evident that the Mon refugees at Halockhani are safe on neither side of the border.

Sources: TN940820, TN940728, TN940810, BP940810, BP940722, TN940729, BP940726, TN940729, BP940306

International supporters can show their outrage and concern for the plight of the Mon by taking action in their own countries. Seek out your UN representative and demand to know what action the UNHCR is taking. Find out from your national representatives what your government's position is on the forced, involuntary and unsafe repatriation of refugees in Thailand. Take action to publicize human rights abuse in Burma by writing letters to the editors of local newspapers and organizing citizens to understand your country's role in Burma politics.



Source abbreviations in this issue:

TN = The Nation, Thailand

BP = Bangkok Post, Thailand

SELECTIVE CONTRACTING LAWS

by N. Chan

In the United States, "Selective Contracting Laws" (SCL) are one process through which local government, either state, county, or even city, can take economic action in support of a democratic and human rights movement in another country even if the national government is unready to move decisively. SCL, if passed at any of these local government levels, can prohibit that government from contracting for any goods or services with firms doing business in the targeted country. For example, if a US city passed SCL on Burma, no city agency would be allowed to make a contract with a company, such as UNOCAL, which has contracts with the military regime of Burma.

SCL was used effectively during the anti-apartheid movement against white rule in South Africa. A recent Investor Responsibility Research Center Inc. (IRRC) report documents the history of this movement.

"The history of state and local activity on South Africa began in 1976 when the city council of Madison, Wis., agreed in a binding resolution to seek purchasing contracts with companies that do not have "economic interests in South Africa." In 1978, Cotati, Calif., became the first US jurisdiction to prohibit the investment of its funds in corporations with business ties to South Africa, and in May 1979, Berkeley and the Oakland, Calif., Unified School District became the first jurisdictions to adopt restrictions on their relation-

ships with banks with ties to South Africa.

State and local South Africa restrictions, particularly those that penalize companies doing business in South Africa in awarding state and local contracts, were an important factor in corporate decisions in the 1980s to withdraw from South Africa.

From 1985, when US anti-apartheid movement was at its zenith, through 1990, the year in which Mandela was released after 27 years in imprisonment in South Africa, the number of US companies with direct investment or employees in South Africa dropped from nearly 300 to just 106. During this period, a total of 194 companies sold their assets or closed their operations in South Africa, an average of 35 per year. Moreover, during this period, many companies cut non-equity business ties to South Africa such as franchise, licensing and distribution agreements."

In May of this year, Byron Rushing, a member of the House of Representatives of Massachusetts, introduced legislation that would "impose economic pressure on the military dictatorship of Burma which is committing innumerable human rights abuses."

His letter to his colleagues further emphasized, "An Act Regulating State Contracts With Companies Doing Business With or In Burma will prohibit the Commonwealth [Massachusetts] from awarding

most state contracts for goods and services to companies which do business with or in Burma, and will prohibit the disposition of the Commonwealth's surplus real property, including the granting of easements, to companies which do business in Burma."

Selective Contracting Laws are one way local American groups can get directly involved in supporting the efforts to bring true political changes to Burma which would result in the release of political prisoners and the cessation of military hostilities against the opposition groups throughout the country. Citizens can tell their national government that human rights needs to be taken more seriously. Other countries may have similar laws which give citizens more opportunity to participate in their country's economic policies towards SLORC.

For more information about SCL, or for help in starting a movement in your city, county or state, contact Investor Responsibility Research Center Inc., Suite 600, 1755 Massachusetts Ave., N.W., Washington D.C., 20036.



Burma Issues is interested to know if other countries have Selective Contracting Laws which can be used to support the human rights movement in Burma. We would like to receive any information you might have to share with us on this issue. Perhaps groups in different countries working with SCL can form a network to better coordinate these efforts. Please write to us if you have any information.

SLORC'S NUMBER TWO MAN - KHIN NYUNT

Since the popular uprising in 1988, several military figures have become household words internationally. One name most often heard is that of Khin Nyunt, the second most powerful man in Burma today (although Ne Win is in retirement, many people still believe that he controls the country from behind the scenes).

Khin Nyunt was born in 1939. He attended Rangoon University, but never graduated. It seems that he was not such a good student, but was very obedient so was quickly picked up by the military. In May 1960 he graduated from Course 25 of the Officer's Training School (OTS) in Hmawbi. Following his graduation, Brig-Gen Tint Swe took him under wing and trained him as an intelligence officer. Brig-Gen Tint Swe was the first commander of the 77th Light Infantry Division, and later become the South East Commander of the armed forces before taking on the portfolio of Minister of Industry and Mines.

Khin Nyunt apparently has never had combat experience, but has rapidly climbed the military ranks. He was handpicked by Ne Win to replace Aung Ko as Military Intelligence Chief in December 1983. Following the September 18, 1988 military coup in Burma, he achieved the rank of Brig-General, and in March of 1990 became Major General.

Ne Win is very fond of Khin Nyunt who is said to be extremely loyal to his superiors. There seems to be little chance that he would ever stand against them. Therefore, he is the kind of man Ne Win would want to prepare for future leadership.

Khin Nyunt is often referred to as Number 2 (Ne Win is called Number 1), and because of his role as head of

Military Intelligence, he is greatly feared. He has vast powers, and access to information on all people, both military and civilian. Even Senior General Than Shwe, who is Chief of Staff of the military and Chairman of SLORC, usually seems to take second place to Khin Nyunt. Following 1988, some Military Intelligence units were ordered to the combat zones and conflicts between these units and front line commanders broke out. By asserting the power of the Military Intelligence in these instances, Khin Nyunt gained even more stable power over the military.

Khin Nyunt's power also results from the people who are loyal to him, many of whom were his classmates in Course 25 OTS. They include:

-Col Kyaw Than, Commander of the Kutkai-based 99th Light Infantry Division

-Col Tha Htay, Director of supply and transport in Rangoon. Col Tha Htay controls everything that enters and leaves Rangoon

-Col Khin Nyein, the new customs chief.

The recent push for cease fire negotiations between SLORC and the ethnic groups seems to be spearheaded by Khin Nyunt. He has travelled to many of the ethnic states, and was a key figure in the Kachin talks. There is some speculation that Khin Nyunt has a conflict with some SLORC high-ranking military officers over the cease fire talks. Many of these military officers, already angry with Khin Nyunt because he is younger than they with more power, feel that the military must fight until the ethnic groups are totally defeated. Khin Nyunt is perhaps more interested in

cease fires because an end to the hostilities would probably mean economic benefits for him and other members of the Military Intelligence who have good contact with international investors.

This theory was strengthened during the recent ASEAN meeting. While Ohn Gyaw was in Bangkok telling the international community about the success of cease fire talks in Burma, the Burmese military attacked and burned a Mon refugee camp (see "No Asylum Here: Mon Refugees Suffer Brunt of ASEAN Politics" in this issue). The military leader who led the attack was quoted as saying that "the cease fire talks are the business of the Military Intelligence, not the military".

If this theory is true, then a growing conflict could emerge in the SLORC, with the military hardliners pushing harder for a military victory, and Khin Nyunt's Military Intelligence seeking economic gains through negotiations.

• Source:

BI data base records



Khin Nyunt at Armed Forces Day celebrations, 1994



NEWS BRIEFS

Burma and the UN

Burma has agreed to hold talks with the United Nations, as proposed by UN Secretary-General Boutros Boutros-Ghali in a bid to bring about positive changes in the military-dominated country.

The invitation for talks was passed to SLORC's Foreign Minister Ohn Gyaw by Thai FM Prasong Soonsiri during the recent ASEAN meeting in Bangkok. No time has been set for the meeting. (BP940722)

France and Burma

French Minister for European Affairs, Alain Lamassoure recently stated that the policy of the European Union and also of France is to continue to push for the release of Aung San Suu Kyi and dialogue between SLORC and the opposition groups.

"The policy of the European Union, hence that of France, in agreement with that of the ASEAN states, consists above all of defending human rights in Burma, and, to achieve that, to insist with Burmese authorities on the release of Mrs Aung San Suu Kyi, the Nobel Peace Prize laureate, and for the opening of a political dialogue with parties which won the democratic elections that took place in Burma in 1990.

To these ends, we wish not to isolate the Burmese authorities, so it's a form of conversation, of dialogue. This conversation has been engaged by the prime minister of Thailand." (BP940801)

Rohingya Refugees

The plight of nearly 200,000 Rohingya Refugees who fled from Burma to Bangladesh several years ago remains serious. A recent visi-

tor to the camps says that, even with UNHCR presence, refugees are being forced back to Burma against their will. The visitor went on to say that the situation in the camps is terrible, and that local authorities are trying to prevent any outsiders from visiting, thus the present blackout on any news concerning these refugees. Efforts need to be made to pressure the UNHCR to make public the true situation of the Rohingyas, and to assist outside visits to the camps to make certain the people's true needs are being met the visitor said. (confidential source)



BURMA ISSUES

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