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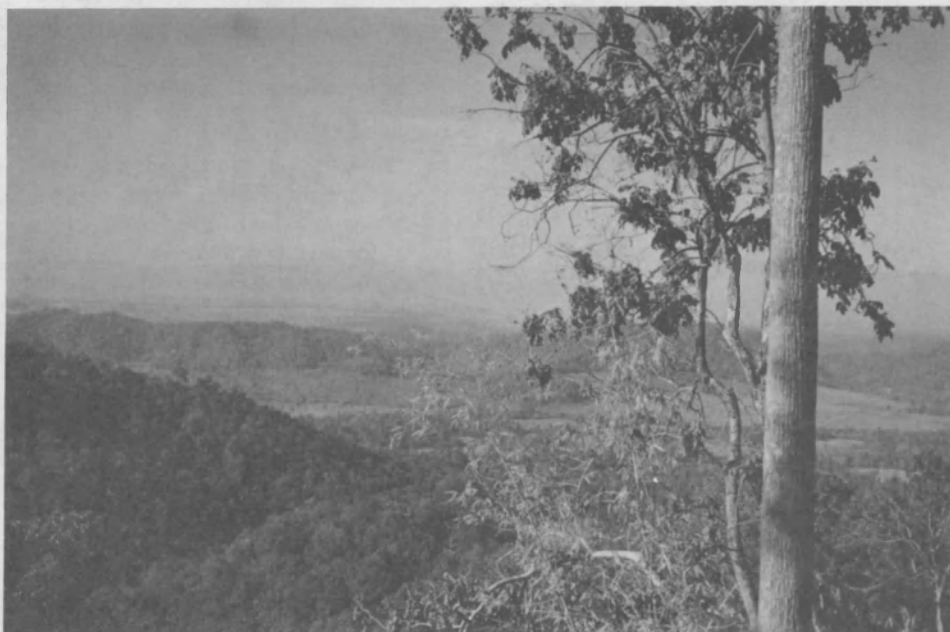
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INDIGENOUS LAND RIGHTS

Foreign companies investing in Burma say they do not interfere in the internal politics of the country. Yet some of them are planning projects which will take traditional lands of indigenous villagers living along the borders of the country. The companies have held no discussions with these indigenous people. Soon these people may be landless.



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HUMAN RIGHTS

FORCED LABOR IN KYAUK KYI TOWNSHIP

This is the last of a three-part article on human rights abuse in northern Karen State. The map on the following page shows areas discussed in these reports, and indicates areas which have become free-fire zones. A free-fire zone is an area from which people have been relocated. Any individual found in these areas is considered an enemy by the Burmese military, and can be summarily executed.

by CAC

The August and September editions of Burma Issues discussed two related forced labor projects in eastern Burma's Kyauk Kyi township. The first, damming the Kyauk Kyi Stream, threatens not only personal liberty and household economy for local residents, but may also pose a serious environmental threat to the fertile rice producing lowlands. Also during the 1995 dry season, we saw the regional Burma army command expropriate communal lands, destroy existing crops and force local citizens to work on dry-season rice plantations, owned and operated by Light Infantry Battalion 351.

The third and final project reported on threatens similarly devastating effects on the local natural and human economy. According to well-informed reports in the area, Infantry Battalion 39 Commander Lt. Col. Khin Maung Nyunt spent the dry season forcing hundreds of local villagers to defoliate approximately 150 acres of communal pasture and forest south of Kyauk Kyi town. The authorities announced that the purpose of the project is to create sugar cane and vegetable plantations, which if modeled on the dry season rice farms, will hold no benefit, only hardship, for the local population.

IB 39 began collecting villagers to clear the area in March 1995, with the specific responsibility of conscripting workers assigned to Capt. Saw Hla Myint, who is the commander of IB 39's Column 2.

Initially, the military demanded that work must be completed before the onset of the rains, but as the dam project on Kyauk Ke Gyi stream required more and more labor, workers were transferred to try to finish the dam. As of early May, approximately 100

acres had been cleared for cultivation, but no plantations had yet been established.

Villagers report that as a result of the deforestation, two local ponds, Htat Htu and Kya In, have dried up. This long-term environmental impact seems to worry people at the grass-roots level even more than the daily labor conscription, which at least may be temporary. They feel that forced labor projects have made daily survival so difficult that all the army-run projects might even be a ploy to keep the people too poor and miserable to join or sympathize with any resistance movement.

Forced labor in Kyauk Kyi township constitutes abuse of the fundamental economic, social and cultural rights innate to all people. Furthermore, the methods of conscripting and controlling the labor violate basic civil and political rights. Beyond this, the need for farmers to manage and safeguard the productive capacity of their land has been blatantly ignored and trampled upon.

These projects in Kyauk Kyi, however, are significant not only for their callous indifference to human rights, but for what they might indicate about social change in Burma. As the Burma army consolidates its control over frontier regions, and eliminates threats from insurgency groups, the "peace" that follows is beneficial neither to local communities nor to the nation as a whole. Important aspects of rural economy—land ownership, irrigation, communal pastures, household labor—are being manipulated in ways that can only weaken local economies and cultures.

As Burma "opens up," corporations, voluntary agencies and individuals who become involved in the rural sector must be aware of these forces

of change. Choices, therefore, about how, where and when to get involved must be informed, cautious and critical. An NGO, for example, called in by the military government to help poor villagers increase the productive capacity of land which has been systematically degraded by economic and environmental interference, would be vulnerable to severe manipulation by authorities eager to demonstrate a kind face to the world.

Will that happen in Kyauk Kyi? No foreign NGOs are known to be operating in the area, but a sobering fact casts a dark shadow over the region. The first instalment of this series described the chain of command of the Burma army's Southern Region Command. Since these reports from Kyauk Kyi were first received, General Soe Myint, who was responsible for operations in Kyauk Kyi, has been replaced, assuming a new—some say higher, some say lower—position in the military power structure. He is now Minister for Social Welfare and Resettlement, and as such will presumably assume new responsibilities over rural Burma, as well as the new international contacts which accompany a cabinet position.

Sources:

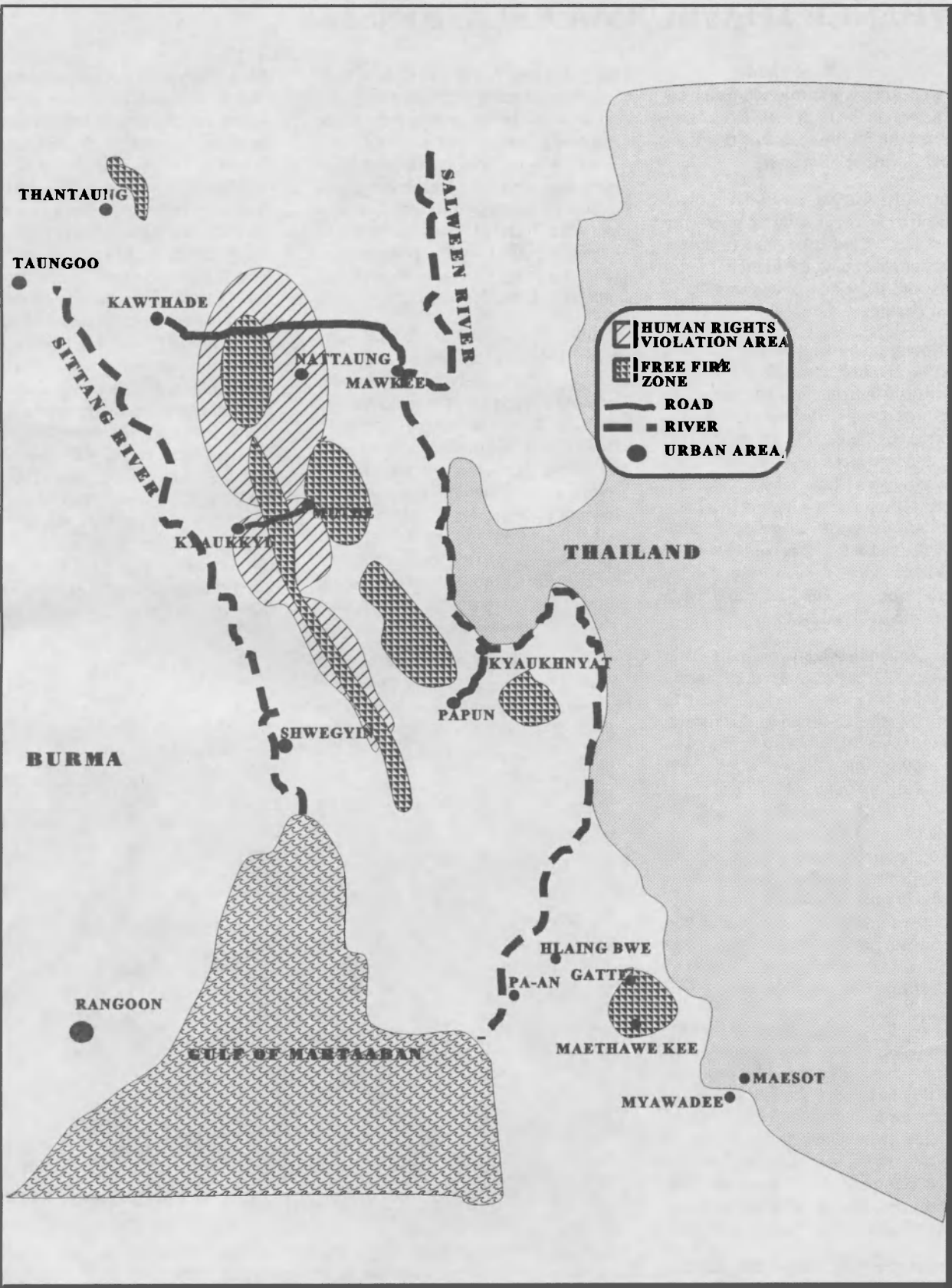
"Forced Labor in Kyauk Kyi Township", NN, Burma Issues 950500

OR/11DB/025

Other Sources



HUMAN RIGHTS



(Map not drawn to scale)

WHENCE THAI/BURMA RELATIONS?

by K. Ramsey

Recent events surrounding an incident on the high seas, have highlighted the fragile nature of the Thailand/ Burma relationship.

In early August, several Burmese crew from a Thai fishing trawler were murdered. Confusion and disagreement prevail about the number of victims and the exact circumstances of their deaths.

Among many allegations, it is said that Myanmar Narong Canning Company used unlicensed boats painted to look licensed, that they carried prohibited equipment including radar, radio and fine mesh nets which enabled them to catch illegal yields, that they were selling these yields in Ranong without giving the Burmese authorities their share. Whatever the exact misdemeanours, the Burmese crew informed on the Thai staff and were punished in brutal fashion.

In November last year, the Thai Fisheries Department accused Burma of insincerity over an agreement to work together to curtail illegal fishing activities - a big problem in Burmese waters which are still well stocked and not well policed. Thai Fisheries claimed to know which fishing companies were breaching Burmese fishing codes and decided to issue only 40 to 50 licenses to those with good records. In spite of available knowledge about less reputable companies, the Burmese government signed joint venture deals with several, including the Narong Canning Company.

The consequences of the trawler incident were rapid and far-reaching. Burma closed its sea border at Victoria Point, tension has increased at other border posts and the town of Ranong, dependent for its income on the catches of Thai trawlers, has suffered commercially. Indeed the Thai fishing industry as a whole is suffering from the loss of this lucrative trade.

From the outset, Thailand has displayed an attitude of regret and humil-

ity - no "I told you so", in spite of their requests for more rigid licensing. Almost immediately, moves were made to avoid potential conflict. Mr. Damri Watanasingha from the Interior Ministry, was sent on a fact finding mission and discussion of the incident became part of the agenda for Chavalit's visit to Burma in early September, along with talks about other problematic border tensions.

But is this just another border skirmish? It differs from others in important respects, notably the fact that the sole motivation for the incident was money. Thailand's kowtowing to Burma over this border incident is an indication of its own commercial interests too. Influential Thais and the town of Ranong, are keen to re-establish the industry and Burma knows it. At the time of writing, Burma was still threatening to shoot any Thai fishing trawler in its territorial waters, and Thailand was still apologising.

Given the extent of Thailand's commercial interests in Burma, (Thailand is the third largest foreign investor in

that country), it is easy to understand why it is reluctant to condemn the behaviour of fishing authorities, let alone the actions of SLORC on far weightier issues. But Thailand does hold some power as a full ASEAN member and close neighbour of Burma, since Burma is keen to acquire full membership as soon as possible. Now is a period when Thailand could assert itself if it chooses to take a moral rather than a commercial stand. Once SLORC has achieved legitimacy through entry into ASEAN, Thailand's usefulness will diminish. Recent tentative overtures towards Aung San Suu Kyi and Thailand's insistence that it will allow people to seek help on Thai soil, even if they're KNU, must not be interpreted as Thailand attempting to take a moral stand. It's more a case of Thailand hedging its commercial bets against the possibility that opposition forces will find their rightful place in the Burma of tomorrow.



Thai/Burma border tensions will probably continue if some serious issues between the two countries are not finally ironed out.

INDIGENOUS LAND RIGHTS

"The rights of ownership and possession of the people concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect." Article 13, 1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, Convention 169 adopted in June 1989 by the International Labour Organization.

The UN General Assembly solemnly proclaims the rights of indigenous peoples to..."The right of ownership and possession of the lands which they have traditionally occupied. The lands may only be taken away from them with their free and informed consent as witnessed by a treaty or agreement." Part III, 12. Draft Universal Declaration on the Rights of Indigenous Peoples, 1988

by N. Chan

As of August 31, 1995, 24 foreign companies (some have since withdrawn) had invested in the oil and gas industry in Burma. Their investments now total US\$1,435.2 million and make up the largest sector for foreign investments in the country.

Two of these companies, Unocal of the USA and Total of France, have come under heavy criticism for their project to develop large gas fields in the Gulf of Martaban and pipe the gas to Thailand. Critics say the pipe line, which will pass through land traditionally occupied by the indigenous Karen and Mon groups, is linked to serious human rights abuses carried out by the Burmese military which Total and Unocal must link up with if the project is to be completed. A growing movement in the USA to boycott Unocal and to push for shareholder resolutions which could force Unocal to withdraw from the project have put increasing pressure on the company. In March of this year, Barry Lane, public relations manager of Unocal said, "We deplore the killing of innocent people" when questioned about Burmese army violence to safeguard its proposed 1 billion gas pipeline. Yet Unocal has made no move to separate itself from the project despite well-documented evidence of abuses carried out by the Burmese military. While not denying that the military is brutal against the people of Burma, Unocal instead claims that no such abuses take place directly on their project. This argument gets little sympathy from Burma

watchers who feel that agreeing to work hand in hand with the military regime is not much less than sanctioning the way that regime retains its power. One Burma activist emphasized "To admit that one's business partner is involved in systematic human rights abuses is laudable, to continue such a partnership is criminal."

Whether or not human rights abuses are taking place directly within the project area of Total and Unocal has yet to be determined. Neither of the two companies will allow independent human rights workers to visit the area with them. Thus it is their word we are asked to believe; a word with potentially huge profits to back it up.

So while the debate rages on about whether people are being deprived of their basic right to food, shelter, and life itself, work on the project continues. Human life, indeed, seems to come second place to potential earnings, and funds from Unocal and Total continue to flow into the hands of a military regime which these companies themselves must know will be used to pur-

chase more weapons of death, destruction, and terror.

Frustrated in their attempt to persuade Unocal and Total that the lives of their people are indeed being abused, some indigenous people in the



Will land rights ever become a reality for the indigenous peoples of Burma?

INDIGENOUS RIGHTS

area of the gas pipeline are beginning to raise the question of the land rights of indigenous people. While the Universal Declaration on the Rights of Indigenous Peoples is still in draft form and thus not binding on anyone, these people are asking if Unocal and/or Total have a company policy concerning the rights of indigenous people over their traditional lands. If so, why is such a policy not applied here? If not, are these companies not simply continuing the tradition of old colonial powers which took upon themselves the right and power to use whatever resources they need to benefit their own bank accounts? These questions are certainly important ones to consider.

The area the gas pipe line will pass through has long been the traditional home for members of the Karen and Mon peoples. For many generations they rotated their fields around the hill sides, fished the streams, and hunted the forests. Their small villages were well established here and the bones of their ancestors rest in the once silent and peaceful valleys. Land ownership was not an important issue to

them as they lived in harmony with the land and all it produced for them. However, in reality the land did belong to them and few outsiders, including the military and successive governments of Burma, rarely visited the area.

When Total discovered gas in the Gulf of Martaban the situation changed. Thailand, in desperate need of gas to run generators for electricity in its growing industrial sector, linked with Total and Unocal to pipe the gas through these traditional Karen and Mon lands into western Thailand. No discussions were ever held with the Karen or Mon to determine their feelings on the matter, or to even offer them compensation for the traditional lands the pipe line would take away from them. A more political statement by these companies could not have been made. And while the companies continually claim that they will not become involved in the internal political affairs of Burma, they have become involved in one of the most political issues possible; the use and exploitation of traditional indigenous lands for their own benefit and for the

benefit of a military regime which has consistently and viciously abused every possible human right of these indigenous Karen and Mon people.

So the question remains. Does Unocal and Total have a company policy which dictates how they will relate to the question of indigenous land rights? If not, they should be encouraged vigorously to articulate such a policy and put it into immediate practice, because land is one of the most important resources indigenous people rely on for their very survival.

Sources:

BP950329

Spotlight on Business & Investment in the Union of Myanmar

Human Rights Reader



OIL AND GAS INVESTMENTS IN BURMA

COUNTRY	COMPANY	INVESTMENT
Australia	Kailis Resources Pty Ltd.	Petroleum exploration and production rights in Block "K".
France	ELF	Oil exploration and production.
	Total Myanmar	Participating in the joint development of the 6.8tcf Yadana offshore natural gas field. The development and distribution of production of this field will cost an estimated US1.2bn, including pipelines to Rangoon and Thailand. Deliveries are expected to begin by 1998.
South Korea	Yukong Limited	Petroleum exploration and production in Block "C".
Thailand	PTTEP	Participating in the joint development of the 6.8tcf Yadana offshore gas field.
U.K.	Kirkland Resources	Petroleum exploration and production in Block "J".
	Premier Petroleum	Oil and gas exploration.
	Premier Petroleum Myanmar	Offshore petroleum exploration and production in Blocks "M-12, M-13" and "M-14".
U.S.A.	Amoco Myanmar	Petroleum exploration and production in Block "B". "B+C" merged area and "RSF3, RSF4, RSF5, RSF6, EP2".
	Texaco	Developing the Yetagun offshore gas field with reserves estimated at 1.7 tcf.
	Unocal	Participating in the joint development of the 6.8tcf Yadana offshore gas field.

Source: *Spotlight on Business & Investment in The Union of Myanmar*

PROPPING UP A NON-EDUCATION SYSTEM

by N. Chan

Burma's educational institutions, once the best in Asia, have sunk to such a low that many students feel it is not worth it to try to complete their degrees. Since 1962, the education system has been almost totally under the direction of the military which has little or no training in the science of learning. The decline in educational standards and options contributed, at least some, to the 1988 student uprising which nearly brought the military totally to its knees.

Since 1988, schools at all levels have operated sporadically. Closed for nearly three years, institutions of higher learning did finally open with a dearth of trained lecturers, many of whom had already left the country out of total frustration. To move students as quickly as possible through the machinery that once served as university institutions, the military regime implemented school years which lasted from three to four months rather than the normal nine months.

Now, with an increasing demand for skilled and knowledgeable graduates to work in the growing number of foreign companies investing in Burma, the military is seeking ways to rebuild their shattered educational system. To do so, they are looking abroad, and finding a few friends. Not strangely, some of those friends also have connections to industries which stand to make large profits from the exploitation of some of Burma's resources.

One such friend is Northwestern University's Kellogg Graduate School of Management in the USA. The Dean of this institution is Donald P. Jacobs who also serves on the board of directors of Unocal Corporation. On November 9 of last year, the *Rangoon Mirror* reported that the director of communications and a professor from Kellogg met with officials of Burma's military junta to discuss educational and economic development policy.

In an open letter to the Northwestern University Community, the Chicago Coalition for a Democratic Burma, and Synapses - Project Burma expressed their concern over this visit.

"As one of the leading graduate business schools in the US, Northwestern University's Kellogg School plays a critical role in influencing corporate development and business ethics. It is outrageous that a school of such stature and influence would demonstrate support for an illegal regime which ranks among the world's worst violators of human rights including the widespread use of slave labor."

Many people are seriously concerned about efforts such as Kellogg's to prop up an education system which has shown itself to be both extremely fearful of the student community and even anti-education. The open letter mentioned above, outlines some of the practices of the Burmese military over the past years which raise serious questions about their intent in cooperating with institutions such as Kellogg. Following the 1988 uprising which was crushed violently by the military, "anti-Slorc protests broke out on campuses again in December, 1991 when opposition leaders Aung San Suu Kyi was awarded the Nobel Peace Prize. Universities were closed down and educators were shipped off to military-run re-education boot camps which included daily drills in military uniforms. The curriculum consisted of courses in patriotism, national unity, and management of student affairs and enforcement of rules and regulations."

Teachers and professors, many of them with many years of teaching experience, were humiliated by being forced to attend lectures by military men with little knowledge of the intricacies of the teaching profession. In the first year of these re-education boot camps, 7,000 teachers and several hundred university lecturers were

dismissed, including 200 from Rangoon University.

Now that the schools are again open, university department heads command security divisions in which professors monitor students' movements in stairways, halls and washrooms. Parents must sign a form guaranteeing the "obedience" of their children, and classroom lecturers are held accountable for their students' behaviour. One foreign diplomat says, "The government is trying to keep a lid on the students by making their teachers responsible for them, so whatever they do, the teachers take the rap. It's very clever."

In such an atmosphere, can the roots of democracy and popular participation grow? Perhaps Kellogg and companies like Unocal believe so. They continue to claim that their presence (and the open market economy) in Burma will help bring democracy. Yet good education requires open institutions where students are encouraged to learn and debate. While the military remains in power in Burma, this may be impossible. A student from Rangoon recently lamented, "We can get our university degrees again, but we learn nothing. Even if we can learn a little, of what good will it be if the military continues to manipulate everything we learn and do?"

Sources:

Chicago Coalition for a Democratic Burma

Synapses - Project Burma



NEWS BRIEFS

IMPORTANT NEWS ITEMS

Aung San Suu Kyi was reappointed General Secretary of the NLD on 951010. Tin Oo and Kyi Maung were appointed as vice chairmen. Analysts feel the reappointment of ASSK is a challenge to the military junta which does not want her playing any political role in the country.

BP951012

Slorc has decided that Aung San Suu Kyi's reappointment as the leader of the NLD is illegal. According to a policy Slorc enacted shortly after ASSK's house arrest in 1989, leadership within political parties can not be done without military approval.

TN951024

Thai Defense Minister, Chavalit, recently visited Beijing. Chinese officials promised him that China will cease supporting the build up of the Burmese military.

TN951028

The Central Floating Hotel in Rangoon had to close down because its power generator broke down of 951027. The hotel has not been able to connect into Rangoon's power grid and thus must depend on its own generators. Guests had to be quickly moved to other hotels in the capital.

TN951029

Slorc has postponed the national convention until November 28. It was suppose to reconvene in October. The most probable reason for the postponement is that the UN special human rights investigator is in Rangoon and is expected to meet with top Slorc leaders as well as with Aung San Suu Kyi.

TN951013

Thousands of Karen villagers have recently fled military harassment, and are now hiding in the jungle. They are facing starvation, and

will probably cross into Thailand as soon as the rains end and they can travel.

TN951019

Rice is being exported from Burma in increasing quantities. This does not mean that rice production has increased substantially. Rice needed for domestic consumption is being exported by the military junta to help pay for increasing imports. This has led to a domestic rice shortage and many urban people can no longer afford to eat two meals of rice a day. As the price of limited rice stocks soar, there is an increasing threat of another urban uprising against the military junta.

BP951023



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