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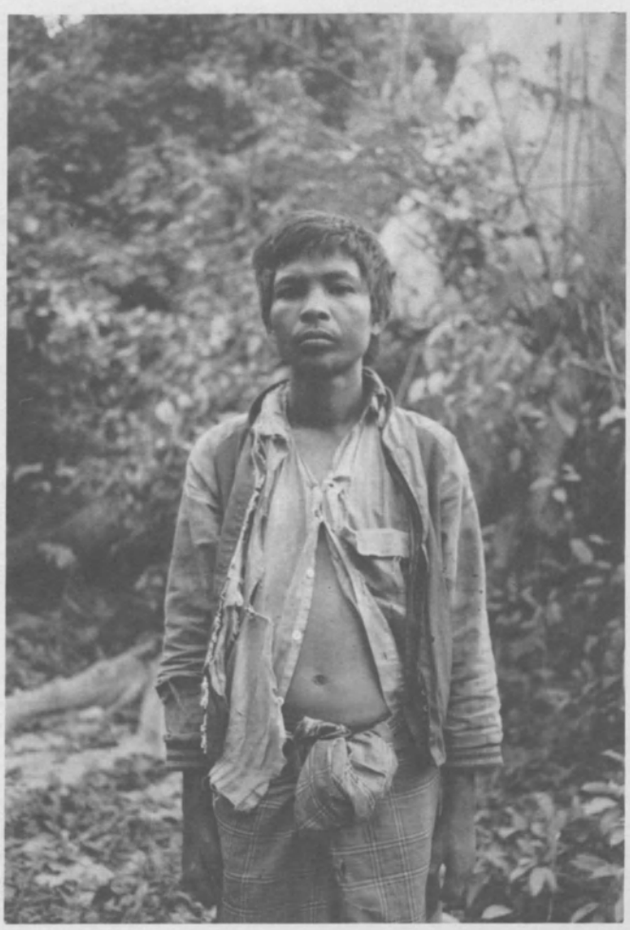
HUMAN RIGHTS DOCUMENTATION: SO WHAT?



Human rights abuse, from institutionalized racial discrimination to summary execution is a systematized, persistent and pervasive reality in Burma today, as it has been for decades.

(see HUMAN RIGHTS DOCUMENTATION: SO WHAT? page 2)

HUMAN RIGHTS DOCUMENTATION: SO WHAT?

by CAC

Over the last three months, Burma Issues has reported on the impact of regional economic development programs in one corner of rural Burma. Because the irrigation and agriculture schemes are implemented through the systematic and large scale use of involuntary labor, the accounts published here have been presented from a human rights abuse perspective highlighting forced labor. However, the effects of forced labor could be studied -- and condemned -- from various other viewpoints as well: household economy, political manipulation or racial discrimination.

Forced labor is rife throughout Burma, and is one of the most commonly reported forms of human rights abuse. Given this prevalence, one might reasonably ask how the publicity of individual cases is intended to correct such a well-enshrined practice, especially since the military government is Burma is impervious to public outcry. Can the names of the victims or perpetrators translate meaningfully into the stuff of legal action? Unfortunately, it is not the case that an omnipotent hand of justice waits to intervene on behalf of the oppressed. So to what end does the thorough investigation and reporting of human rights abuse, or other political, economic and social phenomena lead?

It is a critical question, carrying the implication that standard human rights reporting seems to have had little positive effect on any national or international systems through which justice may be sought for victims inside Burma. Until there is greater legal reforms both within and outside Burma, reporting of human rights abuse should admit that approaching human rights abuse information from a legalistic perspective may only end in frustration. Of course, evidence is necessary to human rights documentation, but if information is merely evidentiary, then it will ultimately fail against the hard reality that almost no one is engaged in a war of evidence and fact over individual cases of abuse. The military government's strategy of denying or ignoring all claims of abuse has been fantastically successful, and has caught human rights advocates off guard.

Therefore, it may be time for Burma peace activists to assume a more sophisticated human rights perspective, one which can be of service to the long-term struggle for justice in Burma. This perspective should be built on a new model of human rights information within the context of the peace struggle in Burma. Perhaps the foremost principle is that good documentary evidence is necessary, but not sufficient, to enlighten people to the realities and peace options for Burma. Elements of this human rights model to be considered include an appraisal of the present realities in Burma:

- 1) Human rights abuse, from institutionalized racial discrimination to summary execution is a systematized, persistent and pervasive reality in Burma today, as it has been for decades.
- 2) The political will to create or enforce meaningful international systems to address individual instances of human rights abuse simply does not exist, and for the time being, seems not to be developing.
- 3) This ubiquitous abuse occurs in a context of political and economic repression, and is in fact yoked irremovably to the political and economic aims of those who hold military power.
- 4) The concrete exposition of these aims and strategies should be the primary goal of human rights reporting and activism. Human rights abuse documentation must illustrate in the best detail possible the premeditated and institutionalized structures of abuse.
- 5) Exposed, this relationship between individual events and the larger context of repression of fundamental rights and freedoms for political and economic advantage will also reveal the systematic (rather than merely frequent or widespread) nature of oppression. It is these systematic elements -- laws, policies, programs, economic and political structures, which will be the targets of local, national and international campaigns. Within these campaigns, individual cases of rape, torture or disappearance can serve as important rallying points for moral outrage and solidarity within Burma and among the peoples of Burma and other lands.

These five points call for a shift in perspective, but also call for creative and intelligent analysis of the data coming out of Burma. For international campaign groups which have to wade through mountains of reports to get to the information they need, a new approach modeled on the concepts above may streamline corporate and government boycott campaigns. For those hoping for justice inside Burma, building such an approach may help to rectify the ugly reality that whatever legal system may exist in rural Burma does not seem ready, willing, or able to try individual claims of abuse on evidence. Ultimately it is only the type of documentation described here which will have the capacity to endure the long, long term struggle for peace and justice.

UNOCAL, BURMA, AND CANADA

The Unocal Information Campaign (UIC) in Canada was recently initiated to educate the public about the activities of the oil and gas company Unocal. In particular they are concerned with Unocal's development of a sour gas plant on unceded Lubicon Lake Cree Nation territory in Northern Alberta and the construction of the pipeline in Burma (see Burma Issues Vol 5 No. 10 page 5) which runs through indigenous Mon and Karen lands. In both cases UIC believe these projects will have the effect of undermining the land rights of indigenous people and threatening basic human rights. The following material is taken from information supplied by UIC.

Despite the continuing objections of the Lubicon Lake Cree Nation, Unocal has built a sour gas processing plant on Lubicon Cree territory which was never ceded to any government. The plant, located next to the proposed site of the future Lubicon reserve, has recently been given the go-ahead to start operating by Alberta's oil and gas regulatory body, the ERCB. The Lubicon people have made it clear that in their view the ERCB has no right to allow resource development on unceded aboriginal lands against the wishes of the elected leadership of the land's aboriginal occupants.

The Lubicon see this plant as a serious threat to the health of their community and their land and a violation of their aboriginal land rights. Unocal was fully informed of the objections of the Lubicon people before on-site construction began last year, and yet they have chosen to act despite the unresolved state of the Lubicon's lengthy land rights struggle.

This is not the first time the Lubicon Lake Cree have had to confront Unocal. In 1985-86 Unocal attempted to run a pipeline through sensitive Lubicon areas. The Lubicon reacted by bringing the issue before the public. A long series of campaigns finally resulted in a policy by the ERCB that no exploitation of resources on these lands could be done without consultation with, and agreement from the Lubicon Lake Cree. The victory was short-lived when the ERCB dropped the policy a few years later, making it possible for Unocal to begin plans to build the sour gas plant without proper discussions with the Lubicon Lake Cree.

Like the Karen and Mon in Burma, the Lubicon Cree have occupied their traditional lands for many generations. During this time, the outside world has shown little interest in them or their way of life. The need by large corporations to use these traditional lands, changes the situation abruptly and drastically.

What has happened to the Lubicon Cree is a sad example of what the Karen and Mon will surely have to face in the near future if the gas pipeline proposed by Unocal and Total is not stopped. For more than a thousand years the Lubicon Cree hunted moose, fished, and trapped on their lands in relative peace. Then in 1979 oil was discovered. Soon 400 oil-jacks were pumping oil (and emitting sulphur dioxide) on land the Lubicon Cree knew was theirs. Oil companies were followed by timber cutters and now gas extractors and processors. By the early 1980s, annual moose kills had dropped from 220 to 19, trappers' yearly incomes from $5,000 to $400, and welfare numbers rose from 10 to 95 per cent.

Worse, in one 18 month period, out of 21 births, 18 were still born. Deformities began to appear, tuberculosis, and skin diseases never seen there before. The elders say sweet water is hard to find now. "We were out there, and we were okay," says Chief Bernard Ominayak, "then suddenly they found oil, and we were in the way."

For the Karen and Mon of Burma, the gas pipeline which is to be built through their traditional land raises a multitude of questions. Why are they not consulted by these companies before their traditional homes and hunting lands are taken over? When the pipeline comes through, what other money-hungry multi-nationals will follow? Like the Lubicon Cree, will they sink deeper and deeper into poverty while millions of dollars of gas rushes underneath their land to some foreign customer? Where will they finally be allowed to live in peace?

Also like the Lubicon Cree, the Mon and Karen have been able to live quite comfortably on these lands in the past. But when valuable resources are suddenly found, the indigenous people are simply in the way. Indigenous rights come second-place to company profits. Chief Ominayak of the Lubicon Cree focused clearly on this point. "It's a question of dollars versus people", He said. "We're broke. Unocal has lots of money and would like to make more. I personally would not be prepared to make money in a way which puts people at risk."

Sources

Friends of the Lubicon report, 950121

The Toronto Star, 950714

UIC Report 950728

» (For more information from the Unocal Information Campaign, write to: Dorothy Hill, UIC, Box 192, 253 College St., Toronto, Ont. M5T 1R5, Canada)'

Ye-Tavoy Railway Revisited

In past months articles in Burma Issues have discussed forced labor on the Ye-Tavoy railway project. The railway, which runs perpendicular to the Unocal/Total gas pipeline area, has become symbolic of Slorc's propensity to use and abuse local people in extremely inhuman ways in order to complete "development" projects. The following report submitted by the KNU Information Service of Mergui/Tavoy District, brings us up to date on some of the events taking place along this railway during the past months.

In order to complete the construction of the railway on time, more and more laborers are being conscripted by Slorc soldiers. Workers fleeing the area say that workers have to bring all of their own food and medicine, and that they receive no wage at all.

One villager who fled the area in October of this year gave the following information regarding the number of forced laborers in some of the labor camps situated along the route of the railway.

Camp	Kinds of Workers	Number of Workers
21 Mile Camp	Civilian	1,400
30 Mile Camp	Civilian	1,000
	Prisoners	500
36 Mile Camp	Civilian	400
Hein San	Civilian	1,200
Nah Jain	Civilian	900
Nyen Lan	Civilian	1,100
Zin Bar	Civilian	1,000
	Prisoners	400
Yab Bu	Civilian	900
Kyaw Ka Dan	Civilian	1,200

In another camp known as 18 Mile Camp, 500 workers are involved in digging ditches along the railway and using the soil to build up the railway bed. All of this work is being done by hand. Yet the villagers report that two bulldozers sent for the project are kept by the authorities, and are not used for the work.

Escaping villagers report a variety of abuses carried out by Slorc soldiers along the route of the railway and adjacent roads. Some of them include:

- On September 22, three volunteers from Hein San Camp complained of overwork and that they were too tired to continue. Soldiers from New Light Infantry Battalion 410, forced them to swim across the river as punishment. Two were unable to make it and drowned. The third was able to escape and reported on the incident.
- Ye-Tavoy railway construction was carried out from June through October of this year. When the rains end, construction will start again. Work is extremely difficult, and reports of deaths on the railway are common. At 30 Mile Camp, five hundred prisoners are kept as laborers. So far, villagers report that around 40 prisoners have died during construction work. Of the civilians in the camp, about 30 tried to escape during the night. An unknown number were killed during the escape attempt.
- Slorc authorities at Mergui District ordered Mazaw village to supply 60 tons of timber for the construction of a bridge between Kyay Nandaing and Pathaung villages along the Mergui/Kaw Thaung highway. The order was followed by a warning that serious action would be taken against he villagers if they failed to comply.
- Villager of Talaingta reported that Ser. Maj. Aung Gyi of Slorc's 103rd Battalion confiscated 30 buffalo from a local villager named Maung Po. Aung Gyi demanded that Maung Po must pay a 70,000 kyat ransom to get his cattle back.

Source:

KNU Information Department, Mergui/Tavoy District

WHERE THE TREES GO

Some Facts

- Burma is still home to 80% of the world's teak stands. Once forest covered 80% of the country.
- Undisturbed remaining forest cover is now estimated to be less than 20%
- Burma has the third highest rate of deforestation in the world, after Brazil and Indonesia, estimated by Norman Myers in 1991 to be occurring at a rate of 8,000 square kilometers a year.
- In 1988, at least 41 Thai logging companies were allocated right to 60 concession areas totaling nearly 18,800 square kilometers.
- After felling large trees, companies typically hire refugees and internally displaced persons at a rate of US$2 per day to extract bamboo and smaller trees for charcoal in clearance areas, impeding any prospects of natural regeneration.
- Most logging occurs in areas occupied by indigenous people actively at war against the Slorc, and is carried out by foreign companies, who pay concession rights directly to the Myanmar Timber Enterprise.
- In heavily forested areas like Shan State and the Thai-Burma border, logging serves as an effective means of strategic defoliation. Building of logging roads in these areas provides Slorc troops with infrastructure supply routes and displaces local people.
- Changes in climatic patterns and water cycles are affecting the livelihoods of local people, dependent on dry rice cultivation and traditional means of subsistence. Areas that previously did not suffer seasonal water shortages, in the Salween River and Tenasserim River watersheds, are now experiencing droughts and massive rainy season flooding. Some villagers can no longer grow two dry season crops, and thus have insufficient food to last through the rainy season.
- Destabilization of hillsides and roads construction are also contributing to erosion, exacerbating flooding and causing siltation of rivers. The waters of the Salween now run brown year-round.
- Loss of forest has meant loss of habitat to animals including elephants, rhinoceros, sun bears, barking deer, wild buffalo, monitor lizards, tigers and many other large cats, pythons, gibbons, hornbills, and tapir. Clear-cutting, roads and strategic defoliation act as barriers to wildlife migrations. Many of the Burmese concession sites are adjacent to Thai national parks, including Huay Khakaeng and the World Heritage Site at Tung Yai Naresuan where seasonal migrations are known to occur.
- Loggers are also notorious poachers and supplement their incomes with trade in endangered species. Logging trucks serve as the primary conduit for wildlife transported to Thailand for sale.
- A constant stream of trucks travel the border roads to China from Kachin State, Shan State, and Sagaing Division bearing raw logs to China, to be made into toothpicks, match sticks, chopsticks, and furniture.
- Under military encouragement, opium cultivation is increasing among groups on the Shan Plateau, resulting in extensive forest clearance.
- Large areas of Shan and Kachin States have been completely strategically defoliated for construction of hill-top military bases.
- Trucks loaded with raw logs also pass regularly over the India border to Calcutta.
- Japanese companies in Arakan State are clear-cutting off-shore islands.
- Shrimp farming and oil exploration in Arakan State are resulting in destruction of mangrove forests.
- Slorc-run monocrop plantations of rubber and eucalyptus are increasingly common on the Tenasserim coast.
- Forests are also being increasingly threatened by large infrastructure projects like pipelines, dams, and onshore oil concessions. In Sagaing division, Amoco reportedly bulldozed and dynamited trees in a 23,000 square kilometer concession of virgin forest to clear the way for roads. The logs were exported to China.
- Very little is known about existing environmental laws in Burma, except that they are rudimentary and rarely followed. No external monitoring is possible in most of the areas now being exploited.

Source:

Images Asia

NO PEACE IN CHINLAND

Burmese Foreign Minister U Ohn Gyaw said at the 3rd October 50th session of the United Nations General Assembly, "I'm happy to be able to say that in Myanmar peace reigns like never before and that the momentum for positive change continues." For millions of people in Burma, this would indeed come as a great surprise. In many parts of the country, human rights abuses seem to be on the increase, and there is no sign of either peace or positive change. The following report from the Chin State of western Burma stands in stark contrast to U Ohn Gyaw's depiction of Burma as a peaceful land.

There are three main refugee groups from Chinland. Each has a separate background history and each has suffered in different ways.

Bru Tribe

The Bru are one of the Chin ethnic tribes. For the most part they follow the Buddhist faith. Living along the border between Burma and Bangladesh they are very isolated and have had little opportunity for education, health care, or other basic development. Traditionally they have one leader who is responsible for all aspects of the tribe's daily lives.

Their most recent leader was Mr. Ramdaw. As leader he was responsible for relations between the tribe and the Burmese Army. Whenever the army came through the area and demanded food, porters, pigs, chickens etc., he had to find ways of providing for these demands.

On December 14, 1994, Mr. Ramdaw was arrested by the Burmese Army. Apparently he was suspected of having contact with the Chin National Front which has been struggling against the Burmese Army for self-determination. He was detained in Ohntiwa village which is nine miles from his home village. On January 4, 1995, he was executed without trial. The execution was carried out by Burmese Army Regiment 376.

On the 14th of December, 1994, the Burmese Army began forcibly relocating the Bru village. In the process they looted whatever they wanted and set fire to the homes. The villagers then fled to Casphan and Bandarban in Bangladesh. The 192 villagers were refused refugee status by the Bangladesh government, so the Chin National Front took responsibility to assist them with rice and other food commodities. They continue to live as refugees in the border area.

Lai Tribe

The Lai are a group of the Chin people who live in Hlamphei Village, Thantlang Township of Chin State. Almost all of them are Christians and have had opportunity for more education than the Bru.

On April 17, 1995, the United Liberation Front of Assam and the People's Liberation Army of Manipur in India, entered the Lai village in Burma. A fight broke out between them and Burmese Army Regiment 89 and 50, led by Major San Yu and Major Maung Win. The Burmese Army forcibly relocated the village and shot many of the villagers, forcing the survivors to flee to the Burma/Bangladesh border area. Their old homes were set on fire by the Burmese Army and they were left with nothing.

The suffering for these villagers was great. Hnem Iang, wife of Hu Man, was shot in her thigh, and because there was no proper medical treatment available, she died on April 19., Two days later her month old baby also died due to lack of milk.

Seeking security, 102 villagers arrived at a Chin National Front refugee camp where they now reside. Neither India nor Bangladesh will accept them as refugees, so they receive no outside assistance for their survival.

Students

Following the September 18, 1988 military crackdown on the democracy movement throughout Burma, Chin students from all over Chin State fled to India to seek safety. A camp was established for them on October 14, 1988 at Champhai of Mizorma State, India. A total of 92 students occupied this camp, but some of them later went to Delhi to seek refugee status from the UNHCR. Those who could not afford the trip to Delhi remained in the camp.

On June 1, 1995, the camp was destroyed by the Indian authorities, leaving 18 students homeless. Having no place to go, they entered the refugee camp run by the Chin National Front.

Current Situation

In the past few years, India's policy towards Burma has changed quite significantly. More border trade has softened India's anti-Slorc stance, creating serious problems for people from Burma seeking refuge in India. These refugees are no longer allowed to live in India, so have moved to the Chin National Front refugee camp where 312 now live. The Chin National Front is trying to provide them with food, but cannot meet all of their needs. The refugees therefore, also look for roots, leaves and bamboo shoots from the jungle in order to survive.

Source:

Chin National Front, Information Department

SENDING REFUGEES HOME

Following the cease fire agreement on June 29, 1885 between the New Mon State Party (NMSP) and Slorc, fears for the future of refugees living along the Thai/Burma border have increased. Apparently part of the cease fire agreement stipulates that Mon refugees will all be returned to the Burma side of the border in the very near future. While the refugees do not wish to remain in refugee camps in Thailand, they also fear that if they are returned to Burma before their is a guarantee for their security, they will again have to suffer the disruption of their lives and face forced relocation.

Presently there are close to 90,000 refugees living in camps along the Thai/Burma border. Some of them have been in these camps since 1984. The majority of them are from Karen villages, but there are also refugees other indigenous groups including the Mon, Karenni, and Shan. Some of these refugees have fled fighting between the Burmese military and various insurgent groups, but the majority have not fled actual fighting. The reason they have chose to leave their farms and homes in Burma and take up life in a refugee camp is because of continued harassment and brutal abuse of their human rights by the Burmese military. Forced relocations, forced portering, heavy taxes, loss of property and life, have made their existence in any area where the Burmese military has access, unbearable. In order to return to Burma, these refugees want assurance that these abuses will end. Cease fires do not provide this guarantee, so they are reluctant to risk moving back into a situation which is extremely insecure for them and their children.

In a recent statement by the Karen Refugee Committee (KRC), the situation facing the refugees is outlined quite clearly:

The KRC wishes to reiterate its belief that it is in the best interests of the refugees that they should ultimately return to Burma, but it believes that the return must be voluntary and it must be to a situation of safety.

It is in the best interests of the refugees that they should ultimately return to Burma.

This raises the question of how the safety of returning refugees can be assured. The KRC has pointed out repeatedly that fighting in Burma is not the only reason why refugees leave their homes and flee into Thailand. In fact, lack of respect for human rights and activities associated with it has caused tens of thousands of civilians from outside the war zones and from war zones during periods of little or no actual fighting to flee into Thailand.

The KRC believes that the Karen and Mon refugees have fled from incidental as well as systematic persecution under the country's military rulers, that such persecution continues as has been documented by recent reports to the UN and therefore the refugees have well-founded fear of persecution again should they return to Burma unless either:

1) there is fundamental change in the political situation in Burma overall, or

2) the returnees are provided with very secure local protection.

It is necessary that any repatriation of refugees be carried out only when international monitoring is possible. Governments and military juntas can not be allowed to use refugees as political pawns. The international community has an obligation to guarantee these refugees that they will be protected, and will be assisted in rebuilding their lives in a peaceful setting from which they will no longer be forced to flee.

Source:

Statement Concerning Problems Associated with the Repatriation of Refugees from Thailand to Burma, KRC 951119

NEWS BRIEFS

HUMAN RIGHTS

Yozo Yakota's's special UN report has been completed. The report documents evidence of forced labor, rape and other forms of torture, especially in relation to the preparation and restoration of tourist sites for "Visit Myanmar Year' 1996.

Amnesty's report on prisons and labor camps in Burma outlines evidence of gross human rights violations.

POLITICS

Recent weeks have seen a number of official visits between Thai government representatives and Slorc members. Chetta and Chavalit on the Thai side and Maung Maung Khin, have failed to produce agreements about border issues. Burma accuses Thailand of aiding and abetting Khun Sa by allowing him to attack Burmese troops from Thai soil. Thailand denies the charge. The Moei River encroachment and the issue of Thai fishermen in Burmese waters continue to be thorns in the side of negotiations.

There have been reports of the release of Political prisoners in Burma (30 on 28th Oct and 19 on 18th Nov). Thousands, including many politicians elected by the people of Burma, remain in jail.

The Slorc has decided that Aung San Suu Kyi's re-election as leader of the national League for Democracy, is illegal.

ECONOMICS

Singapore, second largest investor in Burma, sent a delegation there to investigate investment possibilities. The visit was sponsored by the Trade Development Board.

The Bangkok Rubber Company has moved its operations from Mae Sot to Pijit near Phitsanulok, after Reebok threatened to withdraw its contract obligations over issues of low wages to its Burmese workers.

Thailand has offered to lend Burma the money to complete a road from Tachilek to Kengtung. However Burma is unhappy with the Thai condition attached to the loan that Thai companies have first right to tender for work on the road.

BURMA ISSUES

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