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HOLD ON TO PEACE

FOR IT IS A PRECIOUS TREASURE

WAR IN THE PERSIAN GULF?

This question screams at us through the newspapers and over radio and television every day now. Already lines have been drawn and ultimatums made. Such an approach leaves little room for negotiations and a peaceful solution. The United Nations must play a positive role in this conflict rather than participate in the threat-shouting which is coming from the major powers, and which is certain to usher in war: a war which will bring tremendous suffering to people and destruction to an already fragile environment.

We know what war results in. For over 40 years the Burmese military machine has waged war against the ethnic minorities, and against the students and working people of Burma. The war in Burma may be small compared to what is about to erupt in the Middle East, but the suffering it has created is something no people should be forced to endure.

We wish to stand beside all of those people who will have to suffer in this new global conflict. It should not be necessary. By now the leaders of the major powers should see that conflicts such as they are leading the world into, can not bring about a just and long-term peace.

Once a war starts, an end is difficult to bring about, and even if the conflict does end, there are usually few winners. The people of the Middle East will be forced to suffer too much. The children, as we see in our own small country, are the saddest victims. They do not understand the roots or reasons of the conflict, yet they will suffer experiences which will affect them for the rest of their lives.

We call on all world leaders to solve this conflict at the table rather than on the battle field. Focus in on the true issues, and deal with them systematically and with an open mind.

We call on the United Nations to seriously play its role as world peace keeper. Do not let yourselves be used for the benefit of any one country, even a powerful and influential one. Listen to the needs of all sides, especially the needs of the people living in the Persian Gulf area, and help lead towards a peaceful end.

Global peace is an issue for all of us, and if there is no peace, we all must suffer. We must join together for peace, and not let a few leaders dictate our fate and our lives.

"Dawn". PO Box 1352, Bangkok 10500, Thailand

NEW GOVERNMENT FORMED

BBC

On December 18, 1990, a provisional government was formed in Manerplaw along the Thai/Burma border. The provisional government was finally formed after an unsuccessful wait since the May elections for the Burmese military regime to turn power over to the legally elected representatives of the people.

The new government, called the National Coalition Government of the Union or Burma (NCGUB), was formed after many of those elected during the May 1990 elections were arrested, imprisoned or harassed. A group of these elected representatives, finally fled the urban areas of Burma and came to the border area to seek refuge. Here they formed the government with the cooperation of the Democratic Alliance of Burma which is a coalition of over 30 pro-democracy groups.

Those representing the NCGUB include Prime Minister Sein Win, who is also defense minister and home minister; Foreign Minister U Peter Lin Pin; Finance & Revenue Minister U Win Ko; Trade & Cooperatives Minister U Than Kywe; Education & Health Minister U Hla Pe, who is also information minister; Justice Minister U Than Oo; Construction Minister U Bo Hla Tint, who is also mining and energy resources minister; and Social Welfare Minister U Tun Oo, who is also labor minister. All of these were elected by their constituencies in the May elections, and have thus been given a mandate by the people of Burma to help lead the country into democracy.

The military regime immediately condemned the NCGUB and declared the eight ministers, and all other elected representatives who come to the border area, as fugitives. This means that they are subject to immediate arrest and imprisonment if caught by the military regime. Despite this threat, it is expected that more elected representatives will find their way to the border to support the NCGUB to carry out its stated objectives to bring about the end of the Say Maung regime in Rangoon and to allow the establishment of a true democratic government throughout Burma.

Burmese Ambassador to Thailand, U Nyunt Swe, immediately dismissed the newly-formed provisional government.

"It is funny that they set up such a thing. It is an insurgent area, (where the NCGUB was set up) and the SLORC considers them as insurgents because they joined a group of insurgents... I think everybody in the world will recognize them as a group of insurgents."

In reality, the NCGUB is made up of representatives elected by the people, and therefore can not be considered "insurgent" in any way. SLORC, on the other hand, is operating against the wishes of the people, and using violence to maintain their power position. They, in fact, are the insurgents of Burma.

The way ahead for the NCGUB will be difficult. With the SLORC becoming more and more repressive inside Burma, it is extremely difficult for people to openly show their support for this government.

At the same time, there have been some negative reports by some foreign diplomats in Rangoon stating that the formation of this provisional government will confuse people and cause the SLORC to become even more repressive.

A Thai government source also said that Thailand will never recognize the NCGUB. "It is impossible for us to derecognize the SLORC. This is not because we prop up the military regime as widely alleged, but for reasons of trade and hundreds of Thai trawler crews imprisoned in Burma. We have to keep up the official contacts," he said.

Despite these criticisms and strange reasonings, the NCGUB is determined to move ahead with developing their future program, and creating a unified voice among the anti-military regime coalitions. They have begun making contacts with foreign embassies, seeking both political and economic support. This will take time because, as one diplomat said, "it is the general policy for governments to recognize whatever group is in effective control of the majority of the population, whether they agree with their policies or not. So, if SLORC can demonstrate that they control most of the country, we must recognize them."

SLORC does appear to control most of Burma at the present time. They do so through the use of oppressive military tribunals, threats of arrest,

executions, and an effective Military Intelligence which creates extreme fear among the population. They do not rule the country through any legal mechanism. They admit this themselves, saying that they have set up martial law and taken completely over state power in order to prevent destruction of the Union of Burma.

Under internationally accepted law, and under existing Burmese law, the SLORC has no right to rule the country. In the May elections, the people overwhelmingly voted for the National League for Democracy to represent them as the government of Burma. The SLORC's party, the NUP, received less than 2% of the total votes. How then can they rule the country, and under what pretext can other countries recognize them?

Even the United Nations has still failed to take actions against the flagrant abuse of international law and basic human rights.

According to an October report by the International Human Rights Law Group, SLORC can not claim any legal right to power in Burma. "Because SLORC purports to not be subject to any law, other than the martial law it arbitrarily created and claims the right to annul at will, SLORC's rule is in contravention of the most basic principle of the rule of law, and hence is lawless in a most fundamental way. SLORC should therefore not be permitted to find a refuge of legitimacy under the law" (page 23 - 24))

In their conclusions to the report, the International Human Rights Law Group says:

"1. Under international law, the People's Assembly and not SLORC is the legitimate repository of governmental authority in Burma.

a. The Universal Declaration of Human Rights provides that the will of the people, as expressed in genuine elections, is the basis of legitimate governmental authority in Burma.

b. In genuine elections conducted on May 27, 1990, the people of Myanmar clearly expressed their will to be government by a People's Assembly that would replace SLORC after the election.

c. The SLORC Government has never been authorized by a genuine election, and is not based on the will of the people.

d. That other countries and international organizations may accord recognition to Burma does not imply the legitimacy of the SLORC regime.

2. The SLORC Government is unconstitutional and illegitimate under the national law of Burma.

a. National law does not grant SLORC the right to annul Burma's 1974 Constitution.

b. The 1974 Constitution requires that the declaration of a state of emergency and promulgation of martial law be approved by the People's Assembly' SLORC is operating without such authorization and therefore without legal authority to govern.

c. Under the constitutional law of Burma, SLORC has no authority to prevent the People's Assembly from convening and proceeding to establish a government.

3. The people of Burma were exercising their internationally- recognized right to self-determination when, on May 27, 1990, they voted to emerge from military rule and to form a democratic government. International law forbids SLORC from engaging in any forcible actions that deprive the people of Burma of their right to self-determination."

The NCGUB, therefore, has much more legitimacy to rule Burma than does the SLORC. The NCGUB is composed of the representatives whom the people legally elected in May. Since SLORC has refused to turn state power over to them, they have had to set up their legal government on the border area. Countries who continue to recognize SLORC, for either political or economic reasons, are recognizing a government which legally (both by existing Burmese law and by international law) has no right to power.

Notes:

Dr. Sein Win, Prime Minister of the NCGUB is a cousin of Aung San Suu Kyi, and was elected in the May elections to represent the Party for National Democracy. This party has now been declared illegal by SLORC.

Dr. Sein Win's father and Aung San Suu Kyi's father were brothers. After independence from the British, Aung San was in the process of drawing up the new constitution when he was assassinated by right-wing extremists. Dr. Sein Win's father was killed at the same time.

The rest of the ministers of the NCGUB were members of the National League for Democracy which was led by Daw Aung San Suu Kyi until she was placed under house arrest over two years ago. Of the original ten members of the NLD's Central Executive Committee, six are in detention, and two have been convicted. Many other members of the NLD have been arrested and detained.

CHRONOLOGY OF EVENTS IN DECEMBER

1 Dec: The Burmese military regime's newspaper reports a production and sharing contract for the production of lead ores in Mong Kyawt of the Union of Myanmar between the No.1 Mining Enterprise of the Union of Myanmar and the Saha Pongsiri Co Ltd of Thailand was signed on 30 Nov 1990. The same newspaper also reports the Companies Registration Office of the Ministry of Trade has permitted 615 limited companies, 76 branch offices of foreign companies and 512 partnership registration as of November 1990.

3 Dec: The Bangkok Post newspaper reports Thailand has come in for heavy criticism in a number of areas concerning alleged human rights violations from the Regional Council on Human Rights in Asia which has also called on the Thai Government to grant political asylum to exiled Burmese students.

4 Dec: The Nation newspaper reports Burma has suggested that the State-owned Forest Industry Organization form a joint venture company to represent Thailand's logging interests and to handle concessions granted by Burma, instead of allowing individual firms to operate the concessions separately. The same newspaper reports to date, Burma has awarded a total of 49 logging concessions to 29 Thai firms.

The regime's own newspaper reports the Chairman of the Party for National Democracy, Dr Sein Win opposed the State Government and took part in forming a parallel government and was nominated to head an interim government to be formed in the jungles and he absconded while legal action was being taken against him.

5 Dec: Six Thai student and social organizations asked the government yesterday to review both its relations with the military junta in Burma and the Thai policy of restricting Burmese dissidents in Thailand. reports the Nation newspaper in Bangkok.

The regime's own newspaper reports the Minister for Planning & Finance and for Trade Brig-Gen Abel received Mr Paul Cook, Adviser of United Nations Management Development Program, Mr Martin Michael Minogue, Lecturer, who were accompanied by Mr Michael P Gautier, Deputy Resident Representative of UNDP and discussed the implementation of the project financed by a

Management Development Program grant. The same newspaper of the regime also reports that 5 NLD and 2 Independent candidates have been declared absconders.

The Bangkok Post newspaper reports that Burmese soldiers have arrested 30 pro- democracy activists along the Thai-Burma border yesterday after a bomb exploded at the border town of Myawadi last week.

6 Dec: Thai Foreign Minister Subin Pinkayan reaffirmed the Government's will to put Burmese students seeking asylum in Thailand in a border camp, according to the Bangkok Post newspaper.

The regime's newspaper reports Lt-Gen Tin Tun, Minister for Transport & Communication and for Labor and for Social Welfare, and Commander-in-Chief (Air) and group left for China for a good-will visit. The same newspaper also reports 3 NLD candidates have been declared absconders. Minister for Planning & Finance and Trade, Brig-Gen Abel received Mr Gerd Merrem and Mr P Gautier, Officer-in-Charge and Deputy Resident Representative respectively, of the UNDP, Rangoon and discussed the border areas Development Project with the assistance of UN agencies.

Thai Academics, human rights advocates and student representatives hold a seminar entitled 'Future Directions of Democracy in Burma' at Chulalongkorn University and call for a revision of current Thai policy on Burma.

7 Dec: The regime's newspaper reports United Nations Fund for Drug Abuse Control teams headed by Prof Havor Kolshus studied drug abuse control programs in Burma. The newspaper also reports Office building of the Burma Inspection and Testing Services limited, MITS, a joint venture company of the Inspection and Agency Services of Ministry of Trade and M/S Specialist Services International Limited (SSI) of England, was opened.

Maj-Gen Khin Nyunt, Secretary-1 of the SLORC clarifies in a 3 hour non-stop story, how the insurgent organizations and political parties made their moves to seize State power, at the SLORC's 107th press conference.

9 Dec: The regime's newspaper carries 22 photos of NLD candidates and members who are in custody

and the photos of 3 NLD and 1 PND candidate, who were declared absconders.

10 Dec: The regime's newspaper carries another 25 photos of NLD candidates and one of the NLD's information office staff who were accused of conspiring to form a parallel government in Mandalay.

An article in the same newspaper warns that drafting the constitution and forming a government for taking state power will not be accepted in any way; if it is done so, effective action will be taken.

The regime's broadcasting service announces a boring 2 hour speech by Gen. Saw Maung given to local and departmental personnel at the Kungyangon township in Rangoon.

11 Dec: The Nation newspaper carries a photo of Sarah Fan and her three month old baby, Lydia holding a placard inscribed with the name of a Burmese political prisoner during a silent protest on Sunday. Amnesty International organized the demonstration to call attention to the Burmese government's human rights abuses. 12 Dec: A 22 Burmese delegation led by Gen Than Shwe, vice-chairman of the SLORC leave from Rangoon to Bangkok to attend the Asian Exhibition on military equipment in Bangkok.

13 Dec: The Bangkok post newspaper carries a photograph of an arms dealer who is displaying a specially-designed assault rifle to Gen Than Shwe, vice-chairman of the SLORC and Burmese delegate at the Asian Defence Services Exhibition. Members of the Coalition for Peace and Development stage a protest against the arms exhibition and issue a statement. the exhibition in Bangkok would only serve to aggravate gross human rights violations in Burma by 'inviting the Burmese military delegation to shop for arms here.'

14 Dec: Elected Hluttaw representative from Party for National Democracy, U Sein Win has arrived in a rebel camp to set up a parallel government. the Nation newspaper reports.

15 Dec: The Nation newspaper reports Burmese students and Thai authorities alleged that the Nov 28 bomb at Burma's Myawaddy township could be a ploy by Burmese authorities to cripple the opposition movement.

17 Dec: Burmese Broadcasting Service announces some courses at Institute of Medicine and Institute Dental Medicine will be reopened on 15 Jan 1991.

18 Dec: Eight People elected as Hluttaw representatives form a National Coalition Government in Manarplaw. U Sein Win is Prime Minister and six of its seven other 'ministers' are NLD candidates.

The United Nations' secretariat office issues a statement signed by the Secretary-General of the United Nations, urging the Burmese military government to review the detention of Daw Aung San Suu Kyi by looking from the social point of view.

19 Dec: The Ministry of Foreign Affairs of the Burmese government says if Aung San Suu Kyi wants to stay together with her husband and sons in Britain, she will be allowed to leave the country.

United Nations Children's Fund (UNICEF-Burma) holds the press conference at their office in Rangoon.

20 Dec: Multi-Party Democracy General Elections Commission announces the de-registration of the Party for National Democracy, chaired by U Sein Win who is the Prime Minister of the National Coalition Government.

The Ministry of Foreign Affairs issued a press release concerning the BBC and VOA announcement of the United Nations Secretary-General statement which urged SLORC to release Daw Aung San Suu Kyi reports on the regime's newspaper.

The same newspaper carries the establishment of 'MYANMAR SEA FISHERS JOINT VENTURE ENTERPRISE LIMITED' between Burmese and a Bangladesh fishing company for fishing along the Rakhine Coastal Area.

26 Dec: Multi-Party Democracy General Elections Commission announces that 8 elected Hluttaw representatives who formed the parallel government at the insurgents areas, have no right to continue to be Hluttaw representatives.

A Thai monk was killed and two others seriously injured Monday by Karen rebels while they were travelling with Rangoon troops to perform a religious ceremony inside Burma opposite Kanchanaburi, reports the Nation newspaper quoted from the Thai and Burmese authorities.

27 Dec: A new Thai Foreign Minister, Mr Arthit Urairat yesterday voiced concern over the future of Burmese students suffering from the political suppression inside Burma and urged the Burmese military junta to settle the country's internal problem through reconciliatory and acceptable means, reports on the Nation newspaper.

28 Dec: Thai army spokesman Lt Gen Naruedol Dejpradiyuth announced at a press conference yesterday that Thai Supreme Patriarch Somdej Phra Nyanasanvara is expected to visit Burma in March, after being offered an invitation by Gen. Than Shwe in Bangkok. Reported in the Nation.

CHINESE WEAPONS TO THE BURMESE MILITARY

China: New Arms deal with SLORC August, 1990

On August 13, a Chinese freighter docked at Monkey Point, a Burmese naval base near Rangoon port, and for two consecutive nights convoys of army trucks rumbled through the Burmese capital to the military area immediately north of the city. The shipment was the first confirmed report of substantial supplies of Chinese-made munitions being sent directly to Rangoon.

According to our intelligence sources, the shipment was comprised of AK 47 assault rifles, anti-aircraft guns, rocket launchers and radar equipment. Radar equipment is designed to supplement a squadron of F6 and F7 jet fighter aircraft. Some reports confirmed that construction work is underway in Meiktila air base, the largest air-base in Burma where squadron 501 is stationed. The construction might be for the installation of radar equipment.

Well-informed sources in Rangoon said 12 F6 or F7 aircraft are expected to be delivered before the end of the year, along with at least four Shanghai- or Hainan-class patrol boats. Reconstruction of the dockyard at Monkey Point begun last month and information leaked out about dock measurements showed that the type of patrol boat, most probably, would be Hainan-class.

The overall estimate for the purchase is 1 billion US dollars. It is said to be an 8-years loan agreement. But, many analysts believe that the Chinese would have been given some concessions for the deal. There are rumors of a visit by the military attache

from the Chinese mission in Rangoon to the Irrawaddy naval base in the delta region and of surveying for naval facilities around the nearby seacoast.

Burma's alliance with China and swing against India may reflect domestic imperatives. With the collapse of the Communist Party of Burma last year, and the insurgency in general being less of a problem, it is becoming more important to be able to point at real or imaginary outside threats in order to preserve the cohesion of the armed forces. And that unity is essential for the survival of Burma's present military regime.

Following are some specifications of Chinese arms;

1. HAINAN-Class Patrol Boat (Fast Attack Craft)

Length;.....192.8 meters
Guns.....4-7mm (two), 4-25mm (two)
A/S system....4 RBU 1200, 2 DCTs and 2 racks
Speed.....30.5 Knots/hr
Range.....1300 knots at 15k/h

2. CAC (MIKOYAN) I-7

Chinese name...Jian 7 equivalent to Soviet MIG 21
Used for combat air patrol and long range interception

Guns.....230mm Type 30-1 belt-fed cannon
PL-2, -2A, 5B, -7 air missiles
57-2 air-to-ground missiles

Speed.....Mach 2.05 (2,175 km/hr)

For over two years, most schools in Burma have been closed by the military. Here a school which opened in Mandalay is heavily guarded. What future is there for a country in which the youth are barred from an education?



SUPPORT FROM FRIENDS

The following case concerning Zargana was prepared by the Australian Amnesty International organization and distributed to performing artists throughout Australia for action.

Zargana, a dental school graduate, is a popular humorist who satirized the military authorities and the National Unity Party, the government dominated political party. On 19 May 1990 he reportedly impersonated General Saw Maung, head of the ruling State Law and Order Restoration Council (SLORC) in front of thousands of spectators at the Yankin Teachers' Training College Stadium. He was arrested shortly after the performance and is being held in a small cell in Rangoon's Insein Prison. He was arrested at his home in Rangoon. Zargana has been previously arrested on 2 October 1988. He had appeared in front of pro-democracy rallies in August and September of that year. On those occasions he had ridiculed the interim government, claiming the military controlled from behind the scenes. He was released on 21 April 1989. Amnesty International believes that Zargana is a prisoner of conscience, arrested for peacefully exercising his rights to freedom of expression. These rights are proclaimed in Articles 19 and 20 of the Universal Declaration of Human Rights. Amnesty International is asking for the unconditional and immediate release of Zargana.

Other Prisoners of Conscience, imprisoned for peacefully expressing their opinions include a drum band whose entire membership was arrested for giving a concert in support of the National League for Democracy during the New Year festivities in 1989. Several young musicians and singers were arrested in 1989 in the wake of Thingyan, the four-day water festival in celebration of the beginning of the year. The festival, held in April, is traditionally an occasion for political satire. Competitions are staged for the best chants or sketches reflecting popular grievances. Some 27 groups, mostly student artist, performed at the NLD headquarters in Rangoon during the festival. Their plays and chants alluded to human rights violations, corruption in the military government, and the lack of democracy. Young singers performed chants urging the military authorities to put things right.

**PETITION TO THE AUTHORITIES OF THE
UNION OF BURMA CONCERNING REPORTED
HUMAN RIGHTS ABUSES IN THAT COUNTRY**

Torture is an ever present threat for political prisoners in Burma. Nineteen detention centers have been identified in Burma where interrogation under torture is standard practice. Thousands of people have been shot dead by soldiers, gunned down on the streets. Hundreds of people are reported to have been arrested for their involvement in the democracy movement and thousands more have been arrested for violating martial law regulations. We, the performing artists of Australia, believing people should be free to peacefully express personal and political opinions, call upon the Government of Burma"

1. to unconditionally release all prisoners of conscience who are detained solely for the peaceful expression of their opinions;
2. to order impartial inquiries into reports of thousands of extrajudicial executions by the security forces; and
3. to initiate impartial and independent inquiries into reports of thousand of extrajudicial executions by the security forces; and 4. ratify the international covenant on civil and political rights and the UN Convention Against Torture.

Appeal

We urge our friends from around the world to take similar action such as this. Identify one political prisoner in Burma to whom you have some kind of connection, such as academic or occupational. You can write to Amnesty International, or to DAWN for help. Build a campaign around this particular person, and work until he or she has finally been released from detention.

Human rights is not a gift. we must struggle for it. Join us in this struggle.

WHAT KIND OF GOVERNMENT DOES BURMA HAVE?

The Ministry of Foreign Affairs of the Union of Burma issued a Press Release on 5 October 1990, which warned Rangoon diplomats, not to interfere in the violation of human rights of the Burmese people by the SLORC.

Following is part of the text of the press release reported in the Working People's Daily dated 6 October 1990.

"The Ministry of Foreign Affairs of the Union of Myanmar would like to bring to the attention of the Diplomatic Corps in Yangon that although the State Law and Order Restoration Council is by its nature not a *de jure* Government as it has not been constituted under an existing constitution, it is the *de facto* Government of the Union of Myanmar since its assumption of responsibilities on 18 Sept 1988.

"In the exercise of its Foreign Policy, the Union of Myanmar has always been guided by these five principles in its relationship with other countries. Myanmar Nang-Ngan harbors no antagonism against any country whatsoever. On the other hand, it is unacceptable that foreign countries, at this delicate and sensitive stage and time of transition, exert unwarranted and unjustified pressure on the nation. The State Law and Order Restoration would like to reiterate that whatsoever external pressure is exerted, it would continue to shoulder the tasks that have been set out. Such pressure which is exerted by a minority of countries, can only be counter-productive to their interest as well.

"Should it be deemed necessary, the State Law and Order Restoration Council will continue to exercise Martial Law until such time a firm constitutionally establishment comes into existence. In the exercise of Judicial responsibilities, Martial Law is being applied in serious cases which warrant such action. In other instances, regular Civil Law Courts have continued to function.

"To have democracy flourish in the country, it is imperative that there should be respect. The diplomats based in Yangon should understand and appreciate the delicateness of the prevailing situation, and that responsibility also rests with them to help the government in its endeavor for the establishment of a firm democratic state."

What is a defacto Government doing in Burma anyway?

During October 1990, the British Broadcasting Corporation, Burmese program announced the interview with a Professor from the United States. The professor defined the meaning of *de jure* and *de facto* government and matters relating to the press release of the Foreign Ministry of Union of Burma dated 5-11-90. She said that a *de jure* government is a government which has rights to rule the country according to the law. It is the constitutional government.

Q. If a government submits that they are not a constitutional government, like a *de facto* government, could they become an illegal government?

Ans. It may mean that they are an illegal government, because they are not in accordance with the law, when they admitted they are a *de facto* government. At the same time, we cannot say that they cannot be a *de jure* government, because the group has power to effectively govern the country.

Q. When a *de facto* government which is not based on the constitution enacts laws by itself, will the laws function as laws?

Ans. Ordinarily, other countries have used the laws of *de facto* governments to govern the respective areas. These laws can be used to restore law and order in these areas.

Qes. A former Prime Minister, U Nu who has been detained in prison, had action taken against him again after he refused to withdraw his parallel government. He said he is still the legal prime minister of Burma because he was illegally put out of office in 1962. What do you think about that?

Ans. I need to answer this questions with 2 steps. Following International Law, if the foreign governments do not recognize U Nu's government as a government in exile, his complaints were not strong enough proof. Even the current *de facto* government, with its many mistakes, may still be recognized. It is dependent on the Burmese law that the government which was forced to resign is

still legal or not. It is not concerned with the presence of a military government or not. Concerning this case, there will be many answers from the view of International Laws or Burmese laws.

Qes. When the current government seized power in 1988, they promised that they will hold general elections and transfer the power to the winning political parties. Normally, is it a problem to hand over power to the elected government with no constitution?

Ans: It is no problem to transfer power to the elected government with no constitution. There is no connection with law or politics. Without a constitution, elections can be held and power can be transferred to the elected government. And also, new governments want to draw the new constitution. It doesn't mean that the people have no right to elect the persons to form a government, if there is no constitution or the constitution was withdraw.

Que. Did you accept that the people have these rights according to the international law?

Ans. According to the international law, the people have these rights. The rights of the people are recommended in the international law. Burma may not need to report on progress of human rights to the international human rights groups, but these human rights groups are concerned with the Burmese government as well as any other government. These rights include the right to vote for any desired persons to govern the country, freedom from torture, having self security and freedom of expression.

Que. According to the current situation in Burma, the winning party has already drafted the constitution and urged the government to discuss about the transfer of power. But, the de facto government is refusing to discuss this issue, and has ordered the drafting of the new constitution before transferring power. What do think is the normal procedure in such a case?

Ans. A winning political party has rights to propose their ideas and later, they can write their constitution step by step. This is an ordinary procedure.

Qes. Some people said the elected representatives have rights to announce themselves as a legal government. They have more rights than the current military regime. What do you think about this?

Ans. It seems right for the elected government to announce that they are the de jure government because they won in the elections. They may have

some difficulties arguing that they are the de jure government because they were elected without a constitution. Yet, they have the right to take power. But, there are many difficulties until they receive the power. It can be understood that they want to announce they have the right to govern the country.

Que. There is some confusion concerning whether the foreign governments recognize the Burmese military regime or not according to the law.

Ans. It is the affair of each country. The view of most of the countries is to accept whoever effectively controls the country. So, there are embassies and it means that they recognize the government in that country. To recognize a government means to accept that it can deal with necessary matters. But, it doesn't mean that they agree with the activities of the government.

Qes. Does the host country have right to enter the embassy compounds and question the local staff of the embassy or not?

Ans. According to the Vietnam agreement on diplomatic relations, the diplomatic staff have no restrictions. But, there is a difference when the diplomatic staff are citizens of the host country. However, the government or the government agents of the host country have no right to enter into the embassy compound to ask questions to the local embassy staff. Even outside the embassy, the government has no right to harass the local embassy staff while they are working for their respective embassies according to the law.

SLORC has admitted to the world that they are, in fact, a de facto government, which does not rule the country under a constitution. They claim to have the right to do this. Their right is based on their guns.

The NLD won the May 1990 election through support of the majority of the people of Burma. They, legally, are the government of Burma. Yet, SLORC refuses to turn power over to them, stating that they can not rule the country without a constitution. This is one of the great contradictions which SLORC throws at the people of Burma and the world.

Help us put an end to this farce. Call on all governments around the world to throw their support behind the NLD and the people of Burma.

ECONOMIC NEWS

Recently the military regime in Burma has requested that the state-owned Forest Industry Organization form a joint venture company which represents Thailand's logging interests to handle concessions granted by Burma, instead of allowing individual firms to operate the concessions separately.

Thailand has played a major role in the exploitation of Burma's forest resources. Presently a total of 49 logging concessions have been awarded to 29 Thai firms, many of which are indiscriminately cutting trees without regard to proper procedures. The result is that large areas of Burma's mountains are now becoming bare and subject to erosion.

According to Winai Subrungruang, Deputy Managing Director of Thailand's Forest Industry Organization, one of the reasons for wanting to form such a joint venture is to make it easier for Burma and Thailand to enter into government-to-government concessions for logging.

As SLORC is not a legal government in Burma, such government-to-government concessions are also not legal. Such illegal destruction of Burma's resources is not looked upon kindly by the people of Burma. Said one disgruntled citizen, "SLORC said they were only a de facto government. If that is true, then why do countries like Thailand make deals with them? These deals only strengthen their strangle hold over the people, and that is an abuse of our legal rights as well as our human rights."

On December 6, six Thai student and social organizations asked the government to review its relations with the Burmese military junta as well as the Thai policy of restricting Burmese dissidents in Thailand.

Their letter to Thai Prime Minister Chatichai said in part;

"Thailand's logging deal and other business contracts with Burma are interpreted as the country's full recognition of the Rangoon military regime, condemned internationally for its repressive rule."

Investments

Bangladesh--

Cox's Bazaar Seafoods formed a joint-venture Myanmar Bangladesh Fisheries to produce and market shrimp including expansion of production base, management of farms and consultancy services along Neff river, Maungdaw Township, Arakan State. Capital is about US\$ 15.4 million - 55% held by Myanmar Fisheries Enterprise. The managing director is Syed Mahmudul Huq, 68 Agrabad Commercial Area, Chittagong, Bangladesh.

South Korea--

Daewoo Corp. sold 20 'Upper Class' rail carriages to Burma for the Rangoon-Mandalay Express for US\$3.3 million plus US\$0.8 million for spare parts. A world Bank loan financed the purchase.

Switzerland--

Pilatus Flugzeugwerke AG is the manufacturer of the Pilatus PC-6. This single-engine STOL utility aircraft, better known as the PORTER, has been widely used by the Burmese military. The PC-7 is a single-engine turboprop, two-seater, training aircraft. In addition to the PC-6's and PC-7's, the Burma Air Force has six PC-9's. Despite external similarities, it is more advanced than the PC-7. Burma is trying to convert the turboprop trainer to a ground attack role. Managing Director is Hansjurg Kobelt, CH-6370, Stans, Switzerland. FAX: 41 (41) 55 25 88.

Thailand--

Songserm Group International Co. Ltd. formed 2 joint ventures with Myanmar Foodstuff Industries: Myanmar Songserm No. 1 Ltd. to produce and market beer and sugar, and develop agricultural land for 'related raw materials'. Capital is US\$10 million - 60% held by Ministry of Industry 1; and Myanmar Songserm No.2 Co. Ltd. to establish a factory to produce and market beer. Capital is US\$10 million - 40% held by Ministry of Industry 1. Address: Managing Director Thitipong Songtrakul, 121/44 Soi Chalermmla, Phayathai Rd., Bangkok 10400, Thailand.

Only three Burmese for every 1,000 have telephones, only 32 percent have access to safe water, and the government budget for social welfare is zero, United Nations officials say.

USA--

Miriam Marshall Associates, through its wholly-owned subsidiary, MMA Financo Inc., established a joint-venture Myanmar American Fisheries Co. Ltd., with the Myanma Fisheries Enterprise to produce, process and market offshore fish and marine products. Capital is US\$460,000 - 50% held by MMA whose senior managing director is Philip J. Rivikin.

Yugoslavia--

Twenty Soko Galeb Super 2 aircraft suitable for counter-insurgency operations were purchased from

Yugoslavia. The Super 2's will likely use second-hand Rolls Royce engines that are available on the open market to avoid the embargo that has been imposed by the U.K., U.S., Italy and France on the sale of military equipment to Burma. The 2-seater aircraft will be paid for by cash and teak.

(The above US dollar figures are based on the official exchange rate of US\$1 equal to approximately 6.5 kyats. The underground rate is now pegged at about US\$1 equal to 60 kyats, and it is this rate which the Burmese military regime generally uses.

(from Burma Alert No.11)

PROSTITUTION - THE NEW DEVELOPMENT OF SLORC

As the economy of the people worsens, and as more foreigners enter Burma to develop their investment interests, the issue of prostitution and AIDS grows. Although little information is yet available, the following report was received from friends in Rangoon who find the present developments in the country alarming.

"Our group is struggling for freedom, human rights and democracy in Burma.

When we analyze the situation in Burma, we see that the main problem is difficulty in surviving, a lack of food and a shortage of necessities such as clothing.

Because of these problems, many young women are forced to work as prostitutes. The number of prostitutes is directly proportional to the difficulty in obtaining a place to live, food and clothing. Today the numbers are increasing at a terrible rate. Under the present conditions created by SLORC, there is no way to reduce the number of prostitutes. We believe that prostitution demonstrates clearly the terrible development in our country today.

In our research, we have learned some disturbing facts about the life of a prostitute. One prostitute receives only 15 kyats (US\$0.71) for each time. Sometimes they must sleep with 2 or three men in one night. Most prostitutes must support at least 2 dependents. They not only have to work to support themselves, but must also provide money to their parents and/or relatives. They choose this dehumanizing way of earning money because there is no other jobs available for them, and because there is now a demand for more and more prostitutes.

Unfortunately prostitution is now becoming one of the businesses in our country.

We interviewed one prostitute in Rangoon. She became a prostitute 10 years ago. She has one daughter. When this daughter was 14 years old, the daughter was brought to the brothel and sold for 3,000 kyats (US\$430). This is a terrible thing to see happening in our country. Instead of being able to save her own daughter, the daughter too has been sold into this slavery. She had no other choice.

In another case, there is a family in Rangoon with three daughters. The eldest daughter started work as a prostitute. Later her two younger sisters also followed her into this profession. The parents know what their three daughters are doing, but they do not know what to do about it. They now how degrading this life is for their daughters, but they also know that the family's survival now depends only on this work as there are no other jobs for them."

More and more stories like this are starting to come out of Burma. This is a terrible thing for the Burmese people to know that prostitution is now growing in their country as it has grown in some of the neighboring countries. We do not want to see our sisters be forced into this kind of life. We do not want to see our people suffer any more. That is why we can never give up our struggle for change in our motherland.

ENVIRONMENTAL ABUSE

Forest Cover:

In a report made by the FAO for the government of Burma, it was stated that the country, as of 1980, had 47% (318,660 sq km) forest cover, including extensive areas of over-cut forest and scrub. The reported forest cover loss for the period 1967-80 was 10% (67,658 km sq) of the country. However, an annual rate of deforestation of 1,000 sq km is justified in another report. This could well be an underestimation as it is based on projections of the expansion of slash and burn activities and infrastructure development. There is no reference to destructive logging practices as a cause of deforestation. A simple extrapolation of these figures for 1990 forest cover would indicate about 39% to 45%, the former being a more probable estimate, remembering that this also includes extensive scrub and poor forest. These figures indicate that there are large areas of environmentally degraded uplands in the country. There is a great need therefore for stricter forest management and appropriate social programs.

On 11 Oct 1990, the Nation newspaper reported that U Ba Thwin, one of Burma's Forest officers, said at the United Nations Environmental Conference in Bangkok that Burma has a very well-managed forestry system and the annual rate of deforestation is 0.3 per cent of forest cover per year, or 1,050 square kilometers annually.

However, a British forest scientist, Norman Myers, calculated from 1989 analysis of satellite photographs and suggests that deforestation rates in Burma skyrocketed from 1,000 to 8,000 square kilometers after the 1989 logging ban was declared in Thailand and logging concessions along the Burmese border were granted to Thai companies (the Nation newspaper dated 12 Oct 1990). So far, 46 concessions have been made covering an average of 400 square kilometers by October 1990. Myers study shows that such a rate of deforestation leads to the release of 83 million tons of carbon into the atmosphere annually, adding six per cent to the world's total load of carbon emissions from deforestation of 1,400 million tones. Now, Burma has become the world's third highest deforestation rate country.

These facts completely contradict U Ba Thwin's statement that loss of forest is mostly caused by fuel wood extraction by local people. It also contradicts Mr Gautier, a local representative of UNDP (Burma) when he commented that Thai logging has "little impact on the overall forest resources of the country because they are only operating along the border and he added that the most serious deforestation is currently being caused by slash-and-burn agricultural practiced by highland people" (13th Oct 1990, the Nation newspaper).

Government policy:

It is worth noting that the new military government in Burma, despite the general unrest in that society, took the time to discuss and announce its intentions to improve the enforcement of forest practices and reforestation programs. The basis for implementing these changes, however is lacking. What is more, the government has gone ahead with a dramatic increase in commercial logging. Such logging trivializes earlier intentions of better management now evidently superficial. The new level of logging is already compounding the rate of deforestation in areas previously little affected by shifting cultivation.

Annual Logging: Over 1.3 million cubic meters of logs have been cut annually in Burma, outside the undeniable contribution to the continuing deforestation made by communities practicing slash and burn. The radical increase in logging activities since 1989 is the result of agreements made between the Thai government and the Burmese government. So far, 46 contracts have been made covering an average of 400 sq km. All of these concessions are in the area between the Salween River and the Thai-Burma border, and south of this in the uplands and islands of the Tenasserim Province. Over 1.2 million cubic meters of logs are now to be extracted annually for the next 2-3 years. This staggering increase accounts for nearly a 100% increase in the total annual logging of the whole country.

HUMAN RIGHTS ISSUES

Maung Tun Tun Aung, member of Minthamee camp, photographer and newsman of the Warazein News Bulletin and member of the Working Committee of the Information Department ABSDF, disappeared during the 3rd week of October 1990, while he was travelling alone from Nataietoung to Minthamee camp, which is opposite Kanchanaburi, Thailand.

Maung Tun Tun Aung, a 27-year-old fourth-year History major student from Molumine and eldest son of U Aung Tun and Daw Than Nyunt, fled to They Bow Bo camp on the Thai-Burma border after the bloody military coup in Burma, on 18 Sept 1988.

He actively entered the struggle for Democracy after the Burmese Socialist Program Party (BSPP government) announced the banning of 3 bank notes: 25, 45 and 75 Kyats, at the end of 1987. In 1988, he led the March and June affairs in Molumine University and he joined the League for Democracy and Peace with students from Rangoon University (Botatoung campus) and held peaceful demonstrations in Rangoon. In 1988, on the 31st of August, he became an organizer of the Rangoon University Students' Union (Botatoung Campus). After the military regime seized power on 18th Sept, he tried to struggle against the regime with his close friends inside the country. Later, he fled to the border and arrived at They-Bow-Bo camp, opposite Mae Sot.

Thailand on November 1988. On Jan 1989, he became a joint-secretary of the Audit Department of They-Bow-Bo camp committee.

On April 1989, he transferred to camp-102, Three-Pagoda-Pass with many other students. During April 1988 to 1990, he was put in Khanchanaburi prison in Thailand for 3 months and spent another 3 months in Immigration Detention Center (IDC) in Bangkok. After he was released from the IDC, he served as a member of the Minthamee camp as well as photographer and newsman of the Information Department, ABSDF.

Unfortunately, he disappeared on his way back to Minthamee camp from another camp called Nataietoung, on the 21st of October 1990. He travelled alone. It would be very possible that he was ambushed and thus, he disappeared. However, we can not say exactly what happened and we have not enough evidence. The ABSDF Central Committee has already formed an investigation team and asked the KNU for help to find out about his death.

The ABSDF Central Committee has also already sent an investigation team to Three Pagoda Pass to investigate the death of 4 ex-members of camp 101, Three-Pagoda-Pass.



DECLARATION OF THE NCGUB

Declaration of the National Coalition Government of the Union of Burma

Dated: 3rd. Day of Waxing Moon of Pyatho, 1352
(Dec 18, 1990)

The entire people of Burma and many of the world's population are well aware of the 1988 uprising of the monks, people, and students who staged demonstrations and general strikes against the more than 26 years reign and intolerable enslavement of the Ne Win regime's military and one-party dictatorship in Burma.

Ne Win's military regime staged coup d'etat after crushing the 1988 people's uprising. Naming itself the State Law and Order Restoration Council (SLORC) and giving the reason to hold a multi-party democracy general elections, the military regime, led by Gen. Saw Maung, functioned over all the affairs of the state.

Throughout the period prior to the elections, the political parties' election campaigns were either restricted or banned by the SLORC's orders and declarations. The organizations and election campaigns of the political parties were strictly controlled by the Orders 2/88, 8/88 and the Martial Law orders of the SLORC. Democratic forces and organizations, including the National League for Democracy (NLD) Party which enjoyed the popular support of the majority of the people, were restricted or suppressed by various means. Many leaders and members of various parties, including U Tin Oo, the Chairman, and Daw Aung San Suu Kyi, the General Secretary of the NLD Party, were put under house arrest, detained in prisons, charged, sentenced or harassed by frequent interrogations and night searches.

The pro-democracy people dared not express their will an attitudes because of threats, interrogations, investigations and many other harassments by various means. People's rights to freedom of opinion and expression were also threatened and denied. People were forced to live in fear under the oppressive military rule. The elections were held under such harsh conditions full of restrictions and difficulties.

However, with the overwhelming support of the people, the NLD has won the elections securing 85% of the total seats of the People's Assembly. In the light of all these events and developments in

Burma, the establishment of a people's democratic government that can guarantee and safeguard the democratic rights and human rights in Burma, has also become a historical necessity. The military junta held the general elections only to establish its own puppet government. However, the people had expected a genuine democratic government after the general elections. With that great expectation, the people did vote overwhelmingly for the NLD. This act of overwhelming support for the NLD means that for the achievement of democratic rights and human rights, the NLD had been entrusted with the historical duty to establish a people's democratic government as soon as possible. Having no intention to transfer power to the NLD, the winner of the general elections with a landslide victory despite the threats and restrictions, the SLORC, with the schemes to delay transfer of power to the People's Assembly, threatened and forced the political parties to accept its programs.

The SLORC denied with the Order 1/90 the immediate calling for a People's Assembly and the transfer of power to the people's representatives, and the formation of a government by them. The members of the People's Assembly rejected the Order 1/90 and demanded to call for a People's Assembly in September according to the Gandhi Declaration. When the election winners of other political parties were also unanimously stood for that demand, the SLORC mounted its pressure on all the political parties which adhered to and were unified under the Gandhi Declaration. There were more arrests of the leaders of the NLD and the Democratic Party for a New Society. Moreover, the newsletters, bulletins, and publications of the political parties were also prohibited even at the village and township level. The NLD's township offices were raided and searched by the army, police, and intelligence. Members of the People's Assembly were arrested and township political organizers were also called for interrogations. Referring to its own orders and declarations, giving a number of unlawful reasons and putting up the unjustified signboard "legally charged", the SLORC dissolved many of the political parties or created conditions to make them weaken and fade away so that only the puppet political parties and political opportunists who would obey their orders and still remain loyal to it. The SLORC thus forced the political parties and schemed for the acceptance and signing of the Order 1/90 by giving various, unlawful reasons

The SLORC then arrested and persecuted the monks who protested the unlawful bannings, arrest, human rights violations of the regime and demanded for the immediate transfer of power to the people's representatives elected by the broad mass.

As for the NLD, it had proposed the SLORC many times to discuss the smooth transfer of power. In accordance with the Gandhi Declaration, the NLD had sent petition signed by the people's representatives to the People's Assembly calling for the principles of non-grudge and co-relation and the smooth transfer of power to the People's Assembly. As for the SLORC, it had never responded and gave the excuse that "it had no way to talk with the political parties for its being a non-political entity". Now Burma has become a country shrouded in darkness because of all the unlawful arrests, tortures, persecutions and human rights violations of the SLORC. In such a situation, it is absolutely impossible for the representatives elected the vast

majority of the people to call a People's Assembly and establish a legitimate government. Therefore, we, the representatives of the NLD, the National Democracy Party, and individual people's representatives, dedicatedly aiming with firm belief --

1. to eliminate the SLORC, the military regime, immediately,

2. to call a National Convention with the People's Assembly representatives elected in May 27, 1990, members of the Democratic Alliance of Burma, other representatives from the election winners, and democratic forces,

3. to establish a Genuine Democratic Government,

have established "The National Coalition Government of the Union of Burma" for the establishment of an independent, prosperous, and modernized Federal Union in Burma.



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