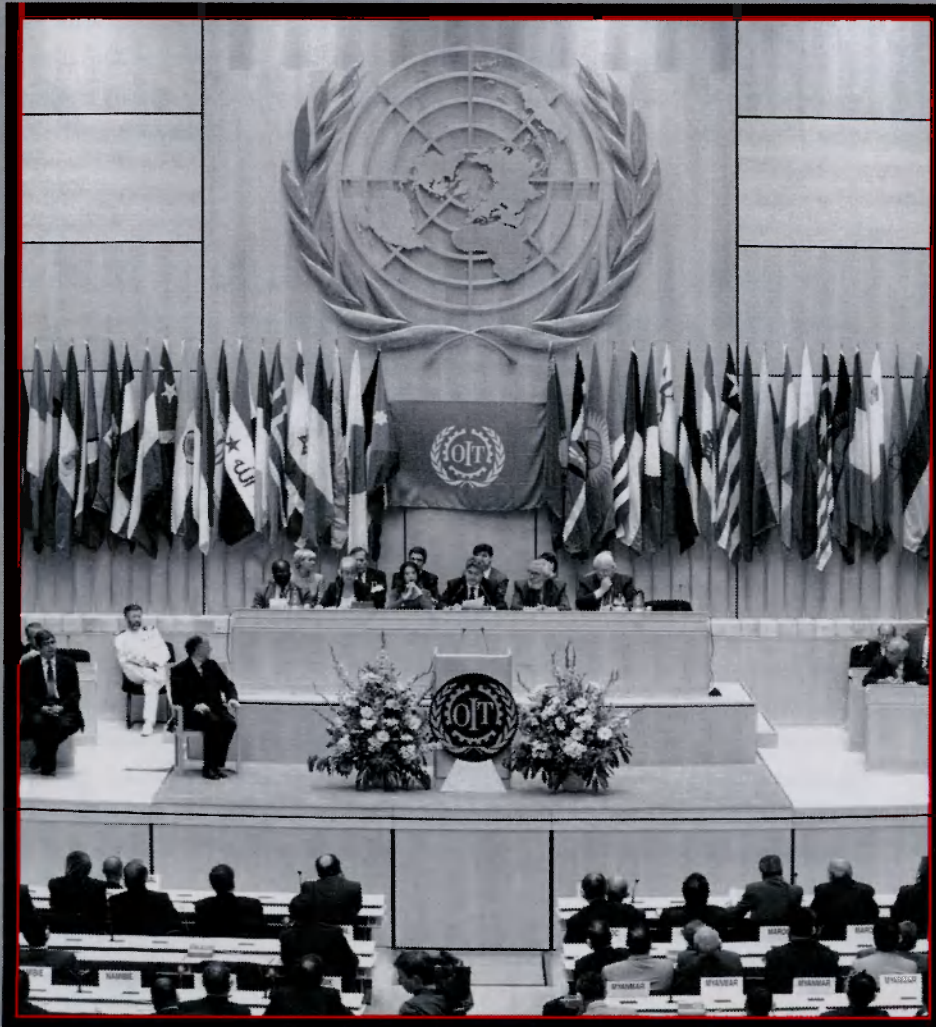


# BURMA

**D E B A T E**

VOL. VI, NO. 1 SPRING/SUMMER 2000



**THE MISSION**

**IN THEIR  
OWN WORDS—**

Voices on the ILO

**THE  
RESOLUTION**

# THE ISSUES ....

## BURMA D E B A T E

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*Burma Debate*, a publication of the Burma Project of the Open Society Institute, is dedicated to providing an ongoing forum for commentary and analysis of issues concerning Burma. The director of the Burma Project is Maureen Aug- Thwin.

Opinions expressed here are those of the authors and not necessarily of the publishers.

Burma was officially renamed Myanmar in 1990 by the ruling military government. This publication will keep to the term used prior to that date, except when individual authors choose otherwise.

*Burma Debate* is published four times a year. For comments or permission to reprint contents write to: P.O. Box 19126, Washington, D.C. 20036. Fax: (301) 838-0587. E-mail: [burmad@clark.net](mailto:burmad@clark.net). Website: <http://www.soros.org/burma.html>

#### ON THE COVER:

Photo: Meeting of the International Labour Organization, Geneva, June 2000  
Credit: International Labour Office

COVER DESIGN  
Elizabeth O'Keefe

LAYOUT & DESIGN  
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## THE MISSION

Burma has been a member of the International Labour Organization (ILO), the oldest of the United Nations agencies, for over fifty years and as such has ratified the Organization's Convention on Forced Labour (No.29). For more than a decade, however, the widespread use of forced labor by the military regime has been well-documented. In 1998, the ILO established a Commission of Inquiry to investigate the situation further and found the practice to be systemic and severe. The regime, in turn, has continued to refute the findings and ignore the Commission's recommendations. As a result, the ILO Governing Body adopted a resolution in March calling for the invocation of article 33 of the ILO Constitution, allowing the Organization to implement punitive actions against the Burmese government. Just days before the ILO was about to deal this heavy blow, the regime agreed to the terms for an ILO mission to the country. Many observers viewed this move as merely a last-ditch effort by the regime to stave off these measures. Others saw the mission as a possible opportunity to advance the issue. What was the outcome of the visit? And what impact did it have on the Organization's judgement on Burma?

## IN THEIR OWN WORDS

The International Labour Organization (ILO) is unique in the United Nations system for its tripartite composition; worker, employer and government representatives participate as equal partners in the work of the agency. During interviews with *Burma Debate*, members of each of these groups shared their views on the situation inside Burma, as well as their impressions about recent actions that have been taken by the Organization. They speak candidly about the findings of the Commission of Inquiry into the practice of forced labor, the May ILO technical cooperation mission to the country, and the actions by the International Labour Conference this June.

## THE RESOLUTION

The measures called for in the Governing Body's emergency resolution adopted in March were to be implemented at the International Labour Conference during its June meeting in Geneva, Switzerland. Efforts by some of Burma's neighbors to delay these actions produced an alternate resolution, which was presented to the Conference Selection Committee. A compromise was reached by the Conference; rather than act now, the ILO would give the regime until November 2000 to implement the recommendations of the Governing Body. Despite the reprieve, however, the basic principle of the resolution remained intact: Burma must abolish the practice of forced labor or face the consequences.

# ....THE DEBATE

4

## **DANCING WITH THE GENERALS: THE ILO TECHNICAL COOPERATION MISSION TO BURMA**

*by Mary Pack*



8

## **IN THEIR OWN WORDS— VOICES ON THE ILO**

Interviews with Lord Bill Brett, Mr. Rolf Thiising,  
H.E. Ambassador Asda Jayanama, and  
Mr. Andrew Samet

## **IN BRIEF**

40	<b>BURMA AROUND THE WORLD</b>
41	<b>BRIEFINGS &amp; DEVELOPMENTS</b>
	<b>BUSINESS WATCH</b>
	<b>INSIDE WASHINGTON</b>
42	<b>SPDC SPEAKS</b>
	<b>MEDIA RESOURCES</b>
43	<b>VOICES OF BURMA</b>
	<b>ETHNIC VIEWS</b>

24

## **ASEAN'S PROPOSAL**

26

## **THE COMPROMISE**

34

## **THE VOTE**



# Dancing with the Generals

THE ILO TECHNICAL COOPERATION MISSION TO BURMA

MAY 2000

Just as the International Labour Organization (ILO) was preparing to take steps, unprecedented in its 80-year history, to compel Burma to end the widespread use of forced labor, ILO Director-General Juan Samovia received an unexpected missive from the military regime. This letter hinted at the possibility that, after a decade of stonewalling, the regime might finally be willing to cooperate with the ILO to end a practice it had up until then refused to admit even existed. The generals proposed that an ILO technical assistance mission come to Burma to discuss the situation. Thus began a series of maneuvers and interactions between the ILO and Burma's military regime, the State Peace and Development Council (SPDC), that reached a climax at the annual conference of the ILO held in June.

At the center of these interactions was an ILO Governing Body resolution recommending that article 33 of the ILO Constitution be invoked against the SPDC for its stubborn refusal to end forced labor. Never before, even during the Cold War years or the struggle to end apartheid in South Africa, had article 33 been invoked against a member State.

By a decisive vote on March 28, 2000, however, the Governing Body recommended a series of actions to be taken by the June Conference against the military regime under article 33 which states:

*In the event of any Member failing to carry out within the time specified the recommendations, if*

*any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.*

What provoked this strong action was the regime's dismissal of a 1998 report by a Commission of Inquiry comprised of internationally renowned jurists, which condemned the regime for its widespread use of forced labor. Not only had the regime refused the Commission entry into the country, but it steadfastly ignored its recommendations. These recommendations, designed to bring about an end to a practice that the Commission confirmed affected tens of thousands of Burmese people throughout the country, were clear and precise:

- a) that the relevant legislative texts, in particular the Village Act and the Towns Act, be brought into line with the Forced Labour Convention, 1930 (No. 29) and this should be completed by no later than May 1, 1999;
- b) that in actual practice, no more forced or compulsory labor may be imposed by the authorities, in particular the military; and
- c) that the penalties which may be imposed for the exaction of forced or compulsory labor be strictly enforced, in conformity with article 25 of the ILO Convention, which requires thorough

investigation, prosecution and adequate punishment of those found guilty.

Only a handful of Commissions of Inquiry have been established by the ILO over the years to investigate the most extreme cases of alleged violations of worker rights and to ratchet up international pressure to compel governments to end such egregious practices. Burma alone refused to listen to a Commission's conclusions.

Many observers agree that it was not the regime's concern over the adoption of the Governing Body resolution that led them to pursue an ILO visit, but the insistence of its Asian neighbors, who felt that Burma needed to show the international community that it was willing to make some effort to address the issue. Pressure to take action mounted as June's International Labour Conference approached, for it was there that ILO members would move to implement the Governing Body's resolution.

It was no coincidence that at the same time as the ASEAN Labor Ministers were meeting in Rangoon this May, the Director-General of Burma's Ministry of Labor was carrying on an exchange of letters with the ILO Director-General, defining the terms and conditions under which an ILO mission would go to Burma. Having the regime finally agree to the parameters set forth by the ILO - *i.e. that the sole purpose of the mission would be to provide direct assistance to implement immediately the recommendations of the Commission of Inquiry and that the members of the mission would be free to make all contacts they considered useful* — also seemed to be at the instigation of Burma's neighbors.

And so on May 23rd, less than two weeks before the ILO's annual Conference was to begin in Geneva, Switzerland, an ILO mission set off for Rangoon on a brief four-day visit to meet with government officials, foreign embassy representatives, and others including Daw Aung San Suu Kyi, the leader of the opposition party the National League for Democracy. The mission included a team of five persons: Mr. Francis Maupain, Special Adviser to the Director-General; Mr. Max Kern, Chief, Freedom of Workers Section; Mr. Carmelo Noriel, a former Philippines Deputy Minister of Labor; Mr. Rueben

Winston Dudley, Deputy-Director, ILO Regional Office for Asia and the Pacific; and Mr. Richard Horsey, an ILO Adviser based in Geneva.

Some criticized the ILO's decision to accept the generals' invitation at this time, viewing it only as a last-ditch effort by the regime to stave off any punitive actions that might be voted on by the Conference. But others felt that, even though the regime's motives were suspect, every opportunity should be taken by the ILO to end the practice given the severity of the problem and the large number of Burmese people affected by it.

On their arrival in Rangoon, the ILO mission was the target of attack in the government-controlled press. In its meetings with government officials, the ILO team sought to use the attacks as an opening to hit hard on clarifying the context and objectives of the mission. As described in the subsequent *Report of the ILO Technical Cooperation Mission to Myanmar*:

*Wednesday morning. During that meeting (in light of certain articles that had appeared in the press), the mission observed that the ILO's image was not necessarily a friendly one in certain quarters but that, even if it could not make the image more friendly, it could at least endeavor to make it more accurate. To that end, it was essential to be as frank and open as possible in order to establish a basis of trust. Contrary to allegations that were often made, the ILO's mission*

## THE INTERNATIONAL LABOUR ORGANIZATION

The International Labour Organization (ILO) is the UN specialized agency which seeks the promotion of social justice and internationally recognized human and labor rights. Founded in 1919, it became the first specialized agency of the UN in 1946. The ILO formulates international labor standards in the form of Conventions and Recommendations setting minimum standards of basic labor rights, including freedom of association, the right to organize and the abolition of forced labor. Within the UN system, the ILO has a unique tripartite structure with workers and employers participating as equal partners with governments in the work of its governing organs.

*Taken from the ILO Mandate*

*was not in any way to encroach on national sovereignty. The ILO's philosophy was based on the principle of voluntarism and dialogue. According to the first of these principles, any country was free to become a Member of the ILO and to ratify its Conventions. However, once a country freely agreed to ratify a given Convention it was bound to honor the commitments it had freely accepted. The mission also emphasized that, under the terms of the Declaration on Fundamental Principles and Rights at Work, the obligation to eliminate forced labor was now regarded as being inherent in ILO membership, whether or not a country had accepted the specific obligations arising from Convention No. 29."*

Much of the four days were taken up meeting government ministers and generals. Without exception, the representatives of the regime continued to deny the existence of forced labor. Some argued that if forced labor ever existed in the past, it had surely been eliminated. The mission members responded by reiterating their purpose, pointing out that in light of the findings of the Commission of Inquiry, the government had lost all credibility on this issue. They hammered away with the message that the government needed to establish its credibility by taking concrete action at the highest level.

*"The mission also wished to emphasize that, in order to convince the Conference, the results would have to be concrete and precise and involve a commitment by authorities at the highest level. There was a need to overcome the credibility gap which had arisen over the years as a result of promises that had not been kept, and which had to a certain extent been exacerbated by the attitude towards the Commission of Inquiry and its recommendations and by recent attempts to excuse the deficient action to amend the legislation. If, as had often been stated, forced labor did not exist or was gradually disappearing, it should be all the easier to remove the discrepancies in the Towns and Village Acts inherited from the colonial era. In this regard, Order No. 1/99 left considerable gaps in terms of scope and content."*

The mission was also able to meet with diplomats and representatives of international agencies. And on its third day in the country, the team met for nearly two hours with Aung San Suu Kyi and members of

the democratic opposition. Aung San Suu Kyi had been among those who had initially questioned the wisdom of the ILO's agreeing to send the technical mission at this time. According to the mission's report, during the team's discussions with her:

*"The mission emphasized that the Director-General had decided to send the mission only after receiving assurances that it would take place strictly within the framework of the June 2000 resolution of the International Labour Conference, i.e. that its purpose would be to secure the implementation of the recommendations of the Commission of Inquiry... On the subject of forced labor specifically, Ms. Suu Kyi stated that the NLD was the only organization from within the country that was concerned with the matter and with following it up. She stressed the continuing gravity of forced labor, particularly in the light of its use by the military, and the extreme form that it could take with the enlistment of child soldiers."*

The serious nature of Burma's situation eventually appeared to seep in with the regime, despite its repeated denials of any wrongdoing. On the morning the team was scheduled to depart, they were brought before SPDC Secretary-1, Lieutenant General Khin Nyunt, whom they briefed on the discussions that had taken place during their visit:

*"The in-depth talks the mission had had on technical and legal matters had made it possible to pinpoint what needed to be done. If appropriate measures were taken on these specific points and applied effectively, this would send a very strong message to the international community so that it would understand, as Secretary -1 had said, that Myanmar did not want to remain an island. However, it was up to the Government itself to draw, in full freedom, the logical conclusions of its wish to open up to the outside world."*

Khin Nyunt's response did not diverge from the message the team had received in its previous meetings with government officials:

*"Although he acknowledged that there might have been recourse to so-called forced labor when work was being carried out on the infrastructure, these practices had ceased before the ILO [Commission of Inquiry]*



report had been completed. The Government was fully aware that it could not remain isolated at this time of globalization. He hoped that the International Labour Conference would be guided by considerations of justice and not by political preoccupations. Human rights should not give rise to discrimination."

A surprise twist came just three hours before the members of the mission were to board their flight back home. A letter for the ILO Director-General from the Minister of Labor, Major General Tin Ngwe, was hand-delivered to the team. Much of its contents merely repeated what the mission had been told during its visit. However, one sentence stood out:

*"I would like to take this opportunity to inform you that we have taken and are taking the necessary measures to ensure that there are no instances of forced labor in Myanmar."*

By confessing that they not only "have taken" but also "are taking" measures to prohibit forced labor, the military rulers may have for the first time admitted to the existence of forced labor in the country. Some argued that this should be viewed as a breakthrough.

The *pas de deux* came to a close in June with the vote at the ILO Conference, which indicated that the vast majority of delegates decided not to accept the four-day mission, or the letter provided to the team as they departed, as sufficient steps to set aside the Governing Body's recommendation to invoke article 33. As of June 14, 2000, Burma became the first ILO member State to face a series of actions by the ILO and its constituents for failure to implement the recommendations of a Commission of Inquiry. The gestures did buy some time for the regime, however, in that the Conference agreed that the Governing Body would once again review the situation at its next meeting in November before the actions against the regime would commence.

What must the regime do in the next five months to avoid this? According to the ILO, the answer is clear and simple. The regime must end the practice of forced labor. Was all the effort by the ILO, including the eleventh-hour mission to convince the regime to act, worth it? Only time will tell....

*This article was written by Mary Pack, editor of Burma Debate, and includes excerpts from The Report of the ILO Technical Cooperation Mission to Myanmar.*

Communication dated May 27, 2000  
from the Government of Myanmar to  
the ILO Director-General

Excellency,

I wish to express my appreciation to you for responding positively to our request to send a technical cooperation mission to Yangon.

I am pleased to inform you that the members of the technical cooperation mission and the senior officials from the Ministries of Labour, Home, and Foreign Affairs and Attorney-General's Office were able to hold extensive discussions on Convention No. 29. I also had useful discussions with the members of the technical cooperation mission. Despite their brief stay, they also had the opportunity to call on the Minister for Foreign Affairs and the Minister for Home Affairs. Moreover, His Excellency Lt. General Khin Nyunt, Secretary-1 of the State Peace and Development Council, took time out of his very busy schedule to receive the members of the technical cooperation mission and acquainted them in a frank and open manner with the actual situation in the nation. These discussions had been very useful and clarified issues where there have been differences of perception.

The Government also provided every assistance to facilitate their work and allowed them freedom of action. Our only regret is that due to constraints of time, they were not able to visit outside Yangon so that they would have a better understanding of the situation in the country.

It is our hope that through the discussions and the cooperation the mission enjoyed during the sojourn in Myanmar, we have been able to show that Myanmar is sincere in its efforts to resolve the issue of the allegations of forced labour.

I would also like to take this opportunity to inform you that we have taken and are taking the necessary measures to ensure that there are no instances of forced labour in Myanmar. Allow me to say that Myanmar would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future.

In this regard, the talks held between Myanmar and the ILO technical cooperation mission have been most useful in providing a better understanding of the issues involved and it is our ardent hope that this process of consultation and technical cooperation within the framework of the ILO recommendation will continue in working toward the resolution of the matter. On my part, I look forward to meeting you during the coming ILC [International Labour Conference].

Accept, Excellency, the assurances of my highest consideration.

(Signed) Major General Tin Ngwe, Minister for Labour,  
Union of Myanmar.

IN THEIR OWN WORDS

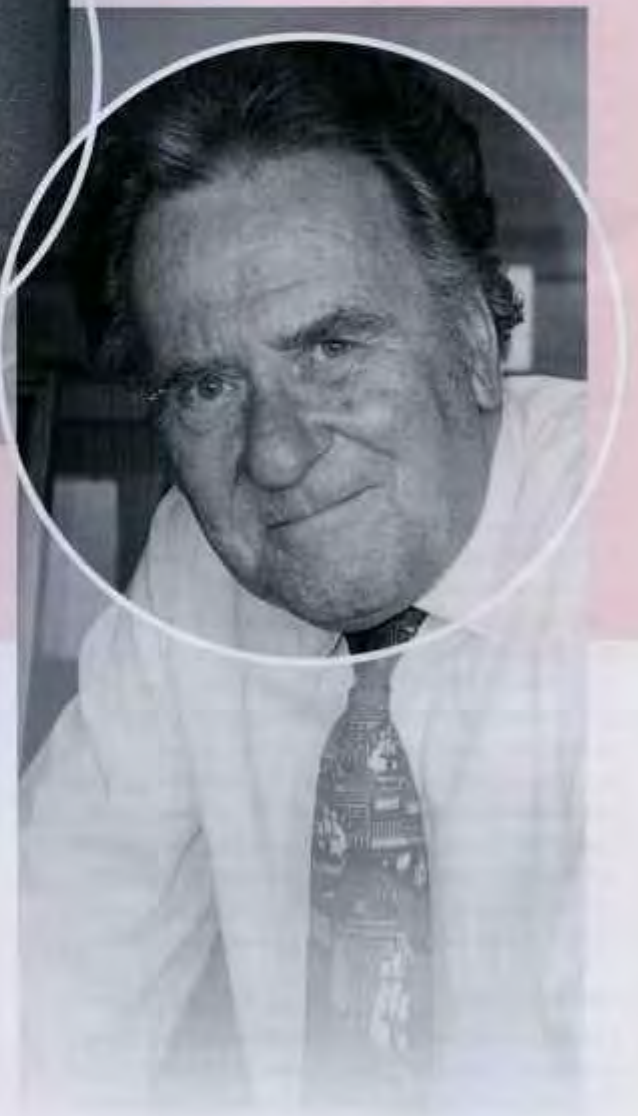
# VOICES THE



*On the pages that follow, representatives of the tripartite groups that make up the International Labour Organization (ILO) share their impressions of recent ILO actions regarding Burma.*

*Bill Brett serves as the Workers' delegate to the International Labour Conference from the United Kingdom and as a Vice President of the ILO Governing Body. He is a member of the General Council of the Trades Union Congress (TUC) and a member of Great Britain's House of Lords.*

*Rolf Thiising sits on the Executive Board of the Confederation of German Employers' Associations (BDA) and is Germany's Employers' delegate to the International Labour Conference. He is a Vice-Chairman of the ILO Governing Body.*





# ON ILO

## INTERVIEWS WITH WORKER, EMPLOYER AND GOVERNMENT REPRESENTATIVES

*Andrew Samet is the Deputy Undersecretary for International Affairs for the US Department of Labor. He is a United States Government delegate to the International Labour Conference and the ILO Governing Body.*

*His Excellency Ambassador Asda Jayanama serves as Permanent Representative to Thailand's Permanent Mission to the United Nations in New York.*

*These interviews were conducted and edited by Burma Debate.*



# Interview with



MR. BILL BRETT

Spokesperson, Workers' Group

*BD \* I'd like to get your comments on the ILO technical mission to Burma in May. Was there a clear understanding between the ILO and the Burmese government as to the purpose of the mission? Was the fact that the mission was to assist with the implementation of the recommendations of the Commission of Inquiry and the fact that the government refused to even recognize the Commission's findings a problem?*

**MR. BRETT •** That's the curious thing about it. That tendency to say that there isn't any forced labor. I was speaking with the Burmese ambassador and in one of his more persuasive moments he said to me, "You have to understand, the government and the military officers are used to giving orders, not taking orders, so what you will find is that they will do what is requested, but they will not acknowledge that they have done what is requested." Now that's quite disingenuous.

It's fascinating to me that they try to make virtues out of past vices. The regime has said, "Look, we don't even accept the Commission of Inquiry. We don't accept that any forced labor took place." So should the fact that they

accepted the technical mission ten days before the Conference, be viewed as a major concession? Someone actually said to me, "Aung San Suu Kyi was allowed to be visited by the delegation. This was a tremendous problem for the government of Burma, but also a tremendous sign of their commitment." Now again, one has to ask whether the government giving an independent citizen of the country some great "privilege" to meet with individuals should be viewed as a major concession. So, I think all that's happened in the last three years is that the credibility of the Burmese government has grown thinner and thinner.

The real question you might have is about the sincerity of the Burmese. You have the letter [from the Minister of Labor given at the end of the mission], which talks of being "sincere." It's a very well-written letter in English, by the way. Whoever wrote it went to a good English university, or a university with a good English department. Because they use the word "sojourn," which is a pleasant stay, but we hardly found the mission to be "a pleasant stay" to be honest. And to "ardently hope" as they stated in their letter is almost beyond reason. I'm not sure they're quite so ardent as they suggest. But to be "sincere," is obviously what we want to see.

There are all these things at the same time. But forced labor in Myanmar is not about the happy, smiling faces of myrth, which is what their documents are trying to show. Add to that their description of employers and workers and the "workers' paradise" that is Burma, and you should wonder why we aren't all going there on holiday.

Most people are not persuaded, not conned, by that kind of information. And I don't believe that the trust the Employers' Group was willing to show the Burmese was deserved. On at least two occasions—first, the decision of the Selection Committee to proceed with article 33, and then the vote of the Conference to effectively carry it—we had prepared statements of denunciation from Burma. When I say prepared, the statement read by the Burmese ambassador on the floor of the



# Bill Brett

Conference after the vote was written in "Word Perfect." Now, I know "Word Perfect" is a swift way of producing text, but I didn't see any laptop there in front of the ambassador. The statement was produced from the ambassador's pocket and he hadn't moved from his chair for an hour. So again, it was a prepared-before-the-event statement, which says much for their foresight, but little for their sincerity....

The debate yesterday preceding the Conference vote was ultra-democratic. I think there were 12 or 13 speakers. Seven spoke in support of the regime, including China, India, Sudan, Malaysia, and Thailand. The ones who spoke supporting the resolution, who represented a much larger segment of the Conference as was proved by the vote, only numbered five: the United States, the EU, Norway, New Zealand, and Canada.

The Japanese ambassador made a good contribution in his statements following the vote by the conference. He made it really clear that Burma has one last chance. The impressive part of the ambassador's statement is Japan's decision to give the message publicly, so Burma at last will have to start to take it seriously. And I hope Japan come November will be amongst those saying "enough is enough." Because if we can't take action against Burma on forced labor on the evidence available, then when can we?

I was rather more convinced by that than I was of the defensive arguments of some other governments. It was interesting that among the governments endorsing the argument to give more time to Burma, were India, Pakistan, and Sudan. It is not beyond coincidence I suspect, that they are three governments that have special paragraphs carried in their applications, the ultimate condemnations of the ILO on forced labor issue in the last ten years.

...There is total disregard by the Burmese government for the Commission of Inquiry's findings, which in their correspondence were never even talked about. They never talked about the ILO recommendations, or the special paragraphs, or Convention 29. They never talked about the three international supreme

court judges who, through the \$1.2 million Commission of Inquiry, found a horror story and published it. None of that has been acknowledged. The denial of this is total.

There are colleagues in the Workers' Group who are sick of lies. They point out, "Well, the most amazing thing is that they issue an order to ignore legislation [which allows forced labor, i.e.: The Village and Towns Acts], but they don't even acknowledge the *existence* of forced labor!" ...Presumably the Burmese are only here this week to give some degree of acknowledgement to receiving the mission because of pressure, because the ASEAN governments around them have been embarrassed beyond reason.

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The Japanese ambassador made a good contribution.... He made it very clear that Burma has one last chance.... The impressive part of the ambassador's statement is Japan's decision to give the message publicly, so Burma at last will have to start to take it seriously.

What the Conference's vote does now is it gives people—people like me—the opportunity to say, directly in parliament, that companies doing business in Burma are beneficiaries of a regime that is still practicing forced labor. We did not use on this occasion the latest dossiers and reports of forced labor. But, come November, we will want all the facts presented.

Someone here suggested that simply a nod and a wink from Burma that they're going one



# Interview with

step further would be enough. I don't think it is. I mean, it's quite clear: You have to implement the recommendations of the Commission of Inquiry by November, or we implement the points of the resolution.

*BD • Why do you think the government accepted the delegation?*

**MR. BRETT •** Undoubtedly because they were told that if they didn't, they would have the action of article 33 imposed immediately, and the people who told them that were their ASEAN colleagues. They said, "We can only defend you if you show some sign of accepting the mission."

*BD • What about the argument put forward by the Burmese government that this is basically a move by the developed countries against the developing countries?*

**MR. BRETT •** Look, there are no defenders in this place. There are *apologists* for Burma, but there are no defenders. No one actually says, "Forced labor is good for you. We quite like the idea." The worker delegates from Pakistan and Malaysia have roundly denounced forced labor. Even the government representatives from Pakistan and India, both of whom spoke in the debate, commenced their statements by saying, "The government of my country has ratified the Convention and is totally opposed to forced labor," before they went on to apologize and ask for more time for Burma. I think in that sense the Burmese government has no credibility.

Even the argument that this is a voluntary service that is willingly given was totally squashed by the chilling indictment of the Commission of Inquiry. The US representative calls it up every time, by quoting big chunks of the horror stories of the Commission of Inquiry, of laborers forced to walk over heavy minefields, the rape of women. Ironically, while the government of Burma makes much about the fact that it has issued an order to ignore the Village and Towns Acts and that order was given to the headmen in villages, they haven't

issued anything on forced labor to the *military*. So asking the village headmen, who have no authority to disobey a military order, without staying the military order itself is nonsense.

*BD • Was the proposal that some Asian countries presented to the Selection Committee, attempting to stall any action on article 33, expected?*

**MR. BRETT •** I expected something, because we have the same countries that supported Burma in the Selection Committee as in the Government Body. What was a surprise at first, perhaps, was the absence of Thailand, which significantly didn't sign on to the proposal. But Thailand later felt that it needed to perhaps show some kind of solidarity and did make the same kind of statement as the other Asian countries about the role of the good intentions of Burma.

*BD • The employers took a softer approach toward this Asian proposal. Why?*

**MR. BRETT •** I know the employers were split. I know there was some pressure from Asian employers, and indeed, some did abstain at the Selection Committee. But to their credit, some of the same people, including Asian employers and workers, did in fact vote better in many ways than the Asian governments.

I think the difficulty was that all the way through, the employers wanted to give one last chance to Burma. But it is somewhat naive to think if you say "please" to a regime like Burma's, it will respond.... I think military governments tend only to understand force, not reason. Because when does a military officer act out of reason? He *takes* orders and *gives* orders. And the fact here is that the Minister of Labor is a Major General.

*BD • When it came to the vote, those who had supported the amendment proposed by Malaysia and other Asian governments could have abstained from voting on the compromise resolution thereby denying a quorum and killing the resolution, and they chose not to.*

# Bill Brett

**MR. BRETT** • We asked for a recorded vote on the resolution, which meant that each country's government, employers, and workers were asked how they voted. And I think that created a problem. Had those supporting the Government of Myanmar decided to switch from opposition to abstention, which they could have done, thereby denying a quorum, it would have been rather remarkable. The Government of Myanmar claimed afterwards that the resolution was "unjust, unrequired and unwarranted." So there was really no choice for them but to vote against it.

If they had in fact abstained on the grounds of tactics, I'm not sure that even the newspapers would have understood. If, for example, Indonesia or Japan or someone else had moved to absentia, that would have been seen as deserting Burma. The intention of the recorded vote is to have individuals claim some degree of responsibility. If one was bull-headed enough or determined enough to insist on opposing, they in effect signed their own death warrant.

**BD** • *What do you expect will happen over the next six months?*

**MR. BRETT** • I don't know. I think the ILO should send a mission immediately. That mission should do two things; provide technical assistance, which is legitimate, to bring about compliance with the recommendations of the Commission of Inquiry,... and insure verification that this is done. The mission should have the same freedom of movement that was offered in the letter of May 27. Regrettably this last ILO mission did not have time to go outside Rangoon. Free movement around the country is a prerequisite: If they aren't willing to allow that, they have something to hide.

The ILO should be able to offer technical assistance to what is required, to provide a legislative framework to end forced labor. They should be able to verify and receive comments from diplomats and people deep within the country. With that, we'd have an accurate, up-to-date report in November, of what precisely,

legally, administratively and in practice, the government of Burma has done to prevent forced labor.



Some of us better start thinking about how we, if worse comes to worst, get all the international organizations, get the governments ... to put action behind words. By doing *that* we will move into a new era for the ILO.

Then we have to render judgement and I'll have to put my own prejudices aside. I don't think we will ever use sanctions in anything but the most extreme cases. If in the end they've done all the things they say, then we have a responsibility given by Conference not to be punitive. There's no retroactive punishment for all the heinous things they've done. If of course, some things happen that are more cosmetic than real, then we have to recognize what is cosmetic, what is real, and take action accordingly-

In the meantime some of us better start thinking about how we, if worse comes to worst, get all the international organizations, get the governments ... to put action behind words. By doing *that* we will move into a new era for the ILO.





# Interview with



BURMA DEBATE

**MR. ROLF THÜSING**

**Spokesperson, Employers' Group**

*BD • Some were not in favor of sending the ILO technical mission to Burma in May, as they felt it was not clear that the Burmese government truly agreed to the ILO's terms for the mission. Do you think it was the right thing to do?*

**MR. THÜSING •** I think it was the right decision to send that technical cooperation mission. Whether both sides had the same understanding might be questioned. But it was right. I think that the ILO did everything that could be regarded as responsible to offer support and to do its best to help to solve the problem.

*BD • Why do you think the government agreed to accept the mission at this point in time?*

**MR. THÜSING •** It's of course an area for speculation. Some say they did it because they felt heavy pressure and now they have to give in a little. Other people say that the government also feels unhappy being viewed as some kind of an outcast, and they want to do away with that image. You can speculate, but you can't look into the hearts of people.

*BD • What justifies the first-ever use of article 33 in the case of Burma?*

**MR. THÜSING •** We have well-established procedures in the ILO. If a member State has ratified a Convention and the ILO has certified a failure to meet its commitments, there are actions to be taken. In this case there was only one further means, and that was article 33. You are correct, it has never been applied before, but it is in the Constitution. It is a flexible instrument. To apply it was a decision of the Governing Body. We cannot say now, "Okay, let's close the files, that's the end of the story." We have to do our utmost to bring about a change to the situation, to abolish forced labor. It was regarded as a responsible and meaningful action to make that decision on the basis of article 33.

It is justified because all other procedures failed and because of the attitude of Myanmar. They didn't give any signs of having the will to cooperate. And if it was not Myanmar, but another country with the same story and the same attitude, it would happen to them.

*BD • There was debate on the resolution during the meeting of the Selection Committee. Can you describe what went on?*

**MR. THÜSING •** It is not a secret.... In March the Governing Body decided to recommend to the Conference to take actions on the basis of article 33. But, this decision can only be made by the Conference. So the Conference had that point on the agenda; whether some liked it or not, it was put on the agenda by the Governing Body. The Conference gave the work of preparing it to the Selection Committee. Because the Conference is a huge body, all 175 constituents, it's better to deal with it in the Selection Committee where there are 24 government representatives, 12 employers, and 12 workers.

During the June 8 meeting of the Selection Committee there was discussion about another proposal launched by some Asian nations to substitute the recommendations of the Governing Body. But in the end, after much discussion, the Selection Committee decided to propose to the Conference the recommendations of the Governing Body, but in a modified



# Rolf Thüsing

way. It was a kind of compromise. I'd say it was a compromise between trust and distrust. What was proposed by these Asian governments—to postpone the whole question of article 33, until next year's conference—was regarded as unacceptable. The distrust was too strong and there was a fear that they would say, "Why don't we do it next year." And then it would be again next year, and then nothing happens.

On the other hand, there were also those who gave more importance to the change in the attitude of the Myanmar Government, which was recorded in the report of the technical cooperation mission. And indeed there was a change. It was the first time they opened the door for discussion, for visitors of the Commission to speak to nearly everyone to whom they wanted to speak, even to the government's opponents. This didn't happen before. *That* was a change.

Then there was the letter from the Minister of Labor. This also was a change. Before the Government of Myanmar said,... "If there was something to do, we have done it. There is nothing left to do." Now, the Minister of Labor has said, "We have taken—and are taking—the necessary steps." It's a little bit of semantics, maybe, but it's the first time that, in writing, the government has recognized that there are things still to be done.

The discussion in the Committee was whether it is a significant change or it is irrelevant. The great majority of the Selection Committee, the workers, the employers, agreed that — well we preferred to be disappointed in our trust, rather than be confirmed in our distrust!

So we, the employers, worked for that, because if there is a chance, keep it open. Don't destroy the chance. Because everything that needs to be done can only be done by the Government of Myanmar. Of course, part of that resolution is that the ILO has to give the necessary support, but the decision is ultimately with the government.

We in the Employers' Group had discussed it internally in depth and it was a modest approach—for some of our colleagues too modest, frankly. We said, "At the moment there are

signs of change. Let's keep it open. Let's try to convince the government." You cannot do it by bashing people. That doesn't help.

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*BD • The Employers' Group, from what I understand, was somewhat receptive to softening the language of the original resolution. Why was that?*

**MR. THÜSING •** First, I think it was important to have the final decision supported by the group as a whole. That strengthens the decision even if the decision gets a majority. But if there is a split in the Employers' Group, then the decision is less effective. So it's important to keep the group together, to work at a compromise. In our Employers' Group, we did the same as what was done by the Committee as a whole in the end. We brought together those with more trust and those who were more skeptical. We were unanimous in the target, that the implementation of the recommendations of the Commission has to be met. That was not a question. But in this there was a broad range of approaches and we worked to bring them together.

*BD • So would you say you are satisfied with the compromise resolution that was voted on by the Conference?*

# Interview with

**MR. THUSING** • I am satisfied that we found that solution. I think it is a wise solution. It does not postpone things year after year after year, but it keeps the door open. Before November, a lot can be done. In November—and that is the core of that compromise—the Conference will decide on the matters to be taken, but we authorized the Governing Body to decide on its implementation with some flexibility.... That means the Governing Body, judging the situation in November can say, "Well, everything is done. That's wonderful. It's not necessary to take any of these measures." Or it can say, "There are some steps taken but some things still have to be done. It's not totally finished. It might not be wise, however, to implement all the measures now, so let's implement only this one or this one." So the Governing Body can be flexible.

*BD* • What do you think will happen between now and November on the part of the Burmese government?

**MR. THUSING** • Can you give me an easier question to answer?

*BD* • Well, what do you hope will happen?

**MR. THUSING** • What I hope, yes, that I can say. ... I really hope that the Government of Myanmar will take the opportunity and the offer of cooperation to work together with the ILO to do its best to solve the problem. That is my hope. That hope is behind the decision of the resolution.

*BD* • And your expectations?

**MR. THUSING** • I would not exclude that from happening, because it would be a rational decision by the government. On the other hand, you have to wait and see in cases like this where there are a lot of sensitivities. I can't forecast what happens, but I can express my hope. Because there *is* a chance, a reason for hope.

*BD* • On the final vote on the compromise resolution, the Asian governments could have decided to abstain, but they chose not to. If they abstained there would not have been a quorum and the resolution would have been killed. Why do you think they decided to vote against the resolution rather than abstain?

**MR. THUSING** • You are right. If the 41 who voted against it had abstained instead, no quorum would have been reached. But, it is a very difficult procedural question. Perhaps those voting didn't recognize it. I don't know. Or they thought a "No" vote would be a clear signal, whereas abstention is not a clear signal.

I was surprised that when it came to voting on the amendment to the resolution put forward by the Asian nations, which was formerly tailored on six points, those nations agreed to vote on the amendment as a block. I was afraid that they would want a vote on each of the six points of the amendment individually. This would not have helped anything. This may have upset people. But they *could* have tried to do that. Instead, they said, "No we'll do it *en bloc*," which was—I don't want to use the word constructive—but it was not destructive.

*BD* • If in fact there is not much progress between now and November, what do you see happening?

**MR. THUSING** • Well, that's a situation I cannot comment on. We have to wait until November and then, on the basis of all the facts available, the Governing Body will have to decide. We will have to see.

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# H.E. Asda Javanama

*BD • Why do you think the Government of Burma agreed to accept the mission in May?*

**MR. AMBASSADOR •** This problem of forced labor has been on the table for some years. I think the Government of Myanmar has only lately begun to think of it as a serious problem that it has to solve. We, in the region, have strongly urged them to do something about it. We don't want to isolate them. We want to bring them into the international community. I think all of us in the region have encouraged them to work this out. So I believe that this invitation was part of an understanding on the part of the Government of Myanmar of the need to accommodate the international community, and of course more importantly, to live up to their own commitment under the ILO Convention.

*BD • So do you feel that it was the influence of Burma's neighbors that led the Government to realize the seriousness of the situation?*

**MR. AMBASSADOR •** I think it was a combination of the outcome of the vote and the views of the region.

*BD • Do you think there could sincerely be some change within the Government regarding their views on this issue?*

**MR. AMBASSADOR •** I think they will have to change, but the question is how fast. I think there is a feeling with the regime that, "We have to change, but we are going to change in *our* way." That is my perception. A non-democratic regime is used to deciding things for itself, and interaction with outsiders is one of the things that it has to learn.

*BD • At the Conference, the Government of Malaysia and some other Asian countries co-sponsored an alternative to the resolution of the Governing Body. Would Thailand have been a co-sponsor given the opportunity?*

*BD • Did Thailand support sending the ILO technical cooperation mission to Burma in May?*

**MR. AMBASSADOR •** Yes, we did. We are still in favor of the country resolving the problem in a peaceful, non-pressured way if possible. So with this view in mind, of course we were in favor of a technical mission going to Myanmar to work things out. The only question is, How successful was this technical mission? I believe the mandate of the mission was to try to assist Myanmar in implementing the resolution of the International Labour Conference. And that is the way countries and delegations will judge it. Of course we were in favor of the technical mission, but there has to be substantive work too. It should not be perceived as a delaying tactic.

UN/DPI PHOTO BY EVAN SCHNEIDER

**AMBASSADOR ASDA JAYANAMA**

Permanent Representative of Thailand to the UN



# Interview with

**MR. AMBASSADOR •** When you co-sponsor something in an international forum it must be something that you agree with one hundred percent. Politically you should also do everything you can to convince other countries to support it. "Co-sponsor" means two things: First that you agree one hundred percent with the text and secondly that you want to be politically involved in advancing it. We did not agree one hundred percent with the text of that resolution. Basically, on this matter, I think the Myanmar delegation should have done more to defend itself, rather than having others do it for them. The reason that we did not agree with the alternative resolution was because the text did not encourage Myanmar enough to abide by the resolution.

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...We abstained [on the vote]  
because—as our foreign minister  
has said publicly—we thought  
the resolution was too strong.  
But at the same time, we didn't vote  
against it because  
we also think that Myanmar should  
do more to follow through on  
the recommendations of the ILO.

*BD • The ASEAN labor ministers held a meeting before the ILO Conference. What position did Thailand take at that meeting regarding the ILO recommendations?*

**MR. AMBASSADOR •** Basically, I think the labor ministers wanted to give political encouragement to Myanmar for them to implement the ILO resolution. Since it was held before the ILO meeting, I know the Myanmar government wanted a show of political support. And it got political support.

I believe the trend at that meeting was to urge Myanmar to have a meeting with the ILO and to urge the ILO to accept the invitation to send a team there—to encourage Myanmar and the ILO to work together, which of course, we supported.

*BD • When it came to the vote on the final resolution at the ILO meeting in Geneva, Thailand chose to abstain. It did not vote against the resolution, as many of the ASEAN governments did. Why was that?*

**MR. AMBASSADOR •** You could look at it two ways. First of all we abstained because—as our foreign minister has said publicly—we thought the resolution was too strong. But at the same time, we didn't vote against it because we also think that Myanmar should do more to follow through on the recommendations of the ILO.

*BD • In your view, what does the Burmese government need to do between now and November in order to prevent the points in the resolution from being implemented?*

**MR. AMBASSADOR •** it has to show a definite commitment that it's willing to work out a comprehensive program with the ILO to completely eliminate forced labor. It is not a question of "Okay, we will do this, we will do that." The ILO needs a road map, in detail, not just a simple agreement. They need a full commitment with a comprehensive program.

*BD • One of the things the ILO suggested to the Government of Burma as a result of its technical mission was to establish an ILO presence in Burma. Is this something that the Thai government would support?*

# H.E. Asda Javanama

**MR. AMBASSADOR** • This is something for the ILO and Myanmar to work out. If Myanmar agrees, of course that would be very good because it would show a definite sincerity. [And] in the minds of many countries, you cannot properly observe the situation if you don't have a presence there, and you cannot really supervise something from outside. But I heard that they are not very agreeable to a permanent ILO presence. So I think this is, to some degree, a test.

**BD** • *What type of parameters or conditions do you feel would have to be in place for such a presence to be effective?*

**MR. AMBASSADOR** • The host country should respect the immunities and privileges of the ILO as an international organization. The ILO must be able to implement its workplan—it needs freedom of movement and access to workplaces. Eventually when everything is worked out to mutual satisfaction, the ILO's permanent presence should not be needed.

Before concluding, I would like to make a general remark. Thailand's attitude toward the ILO situation is a little different from the other ASEAN countries, geo-politically, and also on social issues. We are right next door to Myanmar. Other countries are farther away. They enjoy the luxury of distance, but we, the burden of proximity. Thus the first thing that comes to our mind regarding Myanmar's internal policies and activities is their effects, especially negative ones, on Thailand.

Look at the almost one million illegal workers from Myanmar in Thailand, and the large number of displaced people on the Thai side of the Thai-Myanmar border. There is also the huge production of amphetamine tablets on the Myanmar side of the Thai-Myanmar border by ethnic Wa and their illegal distribution into Thailand. In this regard, forced labor in Myanmar, among other things, is linked to these movements of people from Myanmar to Thailand.

So when ASEAN solidarity is invoked in the International Labour Conference, we will have to take into consideration these movements of people to Thailand and other related negative problems, and of course their solutions. This does not mean good relations with neighbors are unimportant, but there are other goals in our foreign policy, and when goals contradict one another, we must know how to balance them.

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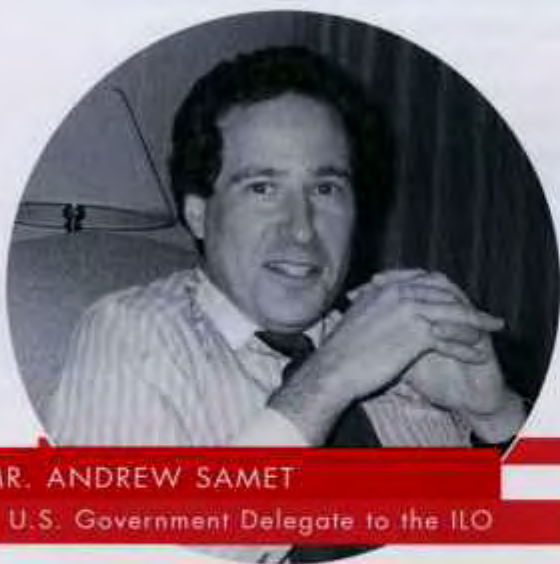
We are right next door to Myanmar.

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They enjoy the luxury of distance, but we, the burden of proximity.



# Interview with



MR. ANDREW SAMET

U.S. Government Delegate to the ILO

*BD • What was the United States Government's reaction to the ILO's decision to send the technical cooperation mission in May? Was it supportive?*

**MR. SAMET •** It wasn't a decision for the US Government. It was a decision the ILO Director-General made. He assessed the information he had before him and made a decision to send that mission. That was his best judgement and we have no reason to question his best judgement.

I think the important thing is what came out of the mission. Our view of what came out of the mission essentially boiled down to this: they met with four generals of the regime, and they all seemed to say there was no forced labor in Burma. The only thing they *couldn't* agree on is whether there ever *had* been any forced labor in Burma. And if you look at it, that's all that the report [of the mission] seems to say.

*BD • Why do you think the Burmese agreed to extend the invitation at that point in time?*

**MR. SAMET •** You'd have to ask the Burmese that.

*BD • Some say it was pressure by the ASEAN governments. Do you have any indications that was the case?*

**MR. SAMET •** I have no particular knowledge about the ASEAN governments' discussions, but it is a fact that there was an invitation for the mission to come after the ASEAN labor ministers' meeting. Whether that's purely coincidence or there's some direct causation between those two factors, that's to be known by the people who were at that meeting.

*BD • What about the draft resolution that some of the ASEAN nations put forward at the Selection Committee meeting—was that expected?*

**MR. SAMET •** We weren't surprised that some of the countries drafted an alternative to the resolution, but I don't think that alternative formulation ever had support from a significant number of governments, let alone from workers and employers in the Selection Committee. It was really not extensively discussed as an option to deal with the serious nature of the issue.

*BD • So there wasn't what you would consider serious debate during the Selection Committee meetings on the resolution?*

**MR. SAMET •** There was very serious debate on the question of what the resolution would be. I just don't think that there was any significant support for the kind of language that had been put forward in that particular formulation. Our view was, we were prepared to move forward with the emergency resolution as voted on by the Governing Body.

Ultimately the Selection Committee chairman put forward a resolution that had some modifications, in terms of timing and in terms of recognition that the mission had gone. The



# Andrew Samet

alternative put forward by some of the governments in the region was essentially to do nothing, to delay everything. That didn't command a majority of support in the Selection Committee, and it commanded *no* support in the Workers' Group. In fact, the vote that occurred [in the Selection Committee] on the Chairman's resolution was overwhelming and the only governments that opposed the Chairman's resolution, I believe, were those who were directly associated with that alternative proposal.

*BD • Were you pleased with the final resolution as it came out of the Selection Committee?*

**MR. SAMET •** Well, as I indicated, the United States was prepared to move forward immediately, we were certainly supportive of that, as I think the European Union was. The question isn't whether the US Government is pleased or not; the question is, What's the situation with regard to the Burmese people and what is the International Labour Organization's action with regard to that situation?

After all, we have to keep in mind that this resolution, which is extraordinary, comes after more than a decade—and in some ways more than two decades—of expressed concern to the Burmese regime about its complete and utter disregard of the most fundamental obligations of being a member of the International Labour Organization. This process in the ILO reflected many years of asking the regime to respond, *pleading* with the regime to respond, and then ultimately, in terms of the Commission of Inquiry process and the emergency resolution last year, *demanding* that the regime respond.

So while some may argue that we're being too hasty here, I wonder whether history will judge that the ILO was too slow to respond. That, I think, remains to be seen.

*BD • Some felt that during the discussion in the Selection Committee the Employers' Group may have been waning in its support to go ahead with implementing article 33. Do you believe that to be true?*

**MR. SAMET •** I don't think the vote this year actually showed much difference from last year's vote on the emergency resolution. The governments that either voted against it or abstained are essentially the same governments that did that on the emergency resolution, so I don't think the situation has changed that much. The Employers' position remained very clear and you can determine that from the Employer votes on the resolution and their votes in the Selection Committee.

The relevant question will be, What are the facts and circumstances in November? If the Burmese do what they need to do, and *ought* to do, to stop the practice, then I'm sure everyone in the Governing Body will want to recognize that.

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...This resolution, which is extraordinary, comes after more than a decade—and in some ways more than two decades—of expressed concern to the Burmese regime about its complete and utter disregard of the most fundamental obligations of being a member of the International Labour Organization.

*BD • In your view, what needs to be done by the Burmese between now and November in order to prevent action under article 33?*

# Interview with

**MR. SAMET** • It's very simple. Stop using forced labor. The burden is now on them to convince the Director-General of the ILO— with facts. The Director-General of the ILO will have to inform the Governing Body as to his view on whether it has stopped. That's the very simple answer. They must convincingly show that the practice has stopped. I don't think they've even come close to meeting that obligation yet.

*BD • If the resolution was implemented, how significant an impact do you think the actions would have?*

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Ultimately it's up to the  
Burmese military to stop forced labor  
in Burma. They are the ones practicing  
it, and they can stop it,  
with or without this resolution.

**MR. SAMET** • Someone argued that perhaps it wouldn't stop forced labor in Burma. That may be true. Ultimately, it's up to the Burmese military to stop forced labor in Burma. They are the ones practicing it, and they can stop it with or without this resolution.

Certainly, without the ILO taking a position on this question, without the kind of scrutiny that's been involved, there would be a lot less pressure and a lot less attention to this massive human rights tragedy. The ILO in and of itself is an institution that cannot necessarily compel the Burmese military to stop human rights violations, but what it can do is be very clear about what the circumstances are; be very clear about what its moral obligation is; and be very clear about what its political obligation is; and

be very clear what its legal obligation is as an institution. As an institution with a constitution and with rules, it has to take a position consistent with the basic principles of the Organization. Otherwise, it ceases being the organization it claims to be. This is not a case where the ILO can look away from its responsibility.

Again, as I have pointed out many times, this is not the view of any one individual or one observer. This situation comes after a long record and after a Commission of Inquiry composed of the most serious and sober individuals, including the former chief justice of India, the former chief justice of Barbados, and a very well-recognized public official from Australia. These are not people given to hyperbole. These are careful finders of fact and conclusion. And their findings are very compelling when you read them. The Organization simply must be as principled as those who it empowered to make this investigation and who reached these conclusions. I don't think the Organization has any choice. We'll have to proceed on the path to which the Conference voted. Consequently, that's why I never doubted the Conference would vote the way it did.

*BD • What if the Burmese government takes some steps, but not all? What would you expect the response of the Governing Body to be?*

**MR. SAMET** • We'll have to see. We'll have to see what "some and not all" actually would be. Ultimately, it's a question, "Have they stopped this practice?" Very simple. That's what they have to do between now and then. The burden is on them to transparently show the world that they have stopped.

*BD • Is that the US Government's bottom-line position? The practice of forced labor has to stop?*

**MR. SAMET** • It's not only the US government's view. It's what the Commission of Inquiry recommended; it's the Conference's view. The con-



# Andrew Samet

elusions of the Commission of Inquiry are very clear. There are two factors. One, they have to change their law, which they haven't done. Number two, they need to immediately stop the practice.

The Commission of Inquiry reached that conclusion two years ago. And the Director-General has twice reported to the ILO that, in fact, it hasn't stopped. That was reported as recently as February. And we will have a report on this question again.

That is the adopted position of the entire Organization, not of any particular government. And not only of the governments, but also of the Employers' Group and the Workers' Group in the Organization. The Commission of Inquiry's findings were approved by the Organization and by the Governing Body. They were approved in the context of the resolution we voted in at this year's Conference. So again, the "bottom-line" obligation, the "bottom-line" endorsed position of the Organization is—they have to stop this practice. That's very clear.

*BD \* The report of the ILO technical cooperation mission discussed in detail the need for the Burmese to reform their legislation. This is also one of the recommendations of the Commission of Inquiry. If in fact that was done by the Burmese, do you think that would have a substantial impact on the practice of forced labor?*

**MR. SAMET •** It's not clear to me that law in Burma means anything. So it's not clear to me, whatever their law says, that it would have an affect on their practices. Appearances indicate that there is no rule of law in Burma today.

*BD • One of the other things that came out in the report of the mission was a suggestion to establish an ILO presence in Burma. Is this something that the US Government would favor?*

**MR. SAMET •** I think that depends on the circumstances, on the mandate. We'll have to see.

*BD • In your mind, what would be some of the conditions or parameters for doing that?*

**MR. SAMET •** Again, I think the compelling issue before the Organization is seeing to it that this practice of forced labor is stopped. That has to be kept in mind as the bottom line in considerations of eliminating the human rights tragedy being suffered by people who are compelled to undertake forced labor in, oftentimes, the most horrific forms. So as to the issue of an ILO presence, it's only relevant in the context of a program to assure the cessation of this practice.

The ILO Conference, the policy-making organ, has already determined that the ILO will not do business as usual with Burma. Burma is precluded from participating in ILO activities and the ILO is precluded from being in Burma to undertake a normal range of activities. So the ILO has already taken a position on this as an institution. The only question is: What ILO activity might be relevant to ensuring compliance of the Commission of Inquiry recommendations? I frankly think [a presence] is relevant only in a context in which the Director-General can assure the Organization that, in fact, the practice has stopped. It doesn't make sense to entertain some kind of ILO participation to help ensure that the circumstances remain.



# ASEAN'S PROPOSAL

IN MARCH, the ILO Governing Body adopted a resolution that recommended a series of measures to be taken against the Burmese government under article 33 of the ILO Constitution. These measures were in response to Burma's failure to implement recommendations contained in the 1998 ILO Commission of Inquiry report, "Forced Labor in Myanmar." The Governing Body's resolution was to be taken up at the June 2000 International Labour Conference, and a Selection Committee comprised of government, worker, and employer representatives was tasked with preparing it for action by the Conference. Anticipating a vote by the Conference, several Asian nations proposed an alternative resolution to the Selection Committee, which in effect would delay any punitive actions being taken against Burma. Following is an excerpt from the June 8 discussions in the Selection Committee.

...The representative of the Government of Malaysia, speaking on behalf of the Governments of Indonesia and the Philippines (and supported by the Governments of Cambodia, Laos, Singapore and Viet Nam, which were not members of the Committee) continued to remain preoccupied with the question of observance by Myanmar of Convention No. 29

which the Governing Body of the ILO has decided to place on the agenda of the 88th Session of the Conference.

At the Fourteenth ASEAN Labor Ministers meeting held on 11 and 12 May 2000 in Manila, the Ministers had discussed this matter constructively, welcomed the invitation by the Government of



Myanmar for the ILO technical cooperation mission to visit Yangon, and strongly urged the ILO that this mission take place.

On behalf of the above countries, he expressed sincere appreciation to the Director-General and the members of the technical team for their efforts. The visit and the report by the mission marked important progress in efforts to engage the Government in Myanmar in resolving the issue of forced labor in their country. The willingness and sincerity demonstrated by the Government of Myanmar to cooperate in resolving this issue was a good way forward and should be taken fully into account. The Government had gone out of its way to facilitate the technical teams' meeting with as many personalities as possible both within and outside the Government, including the diplomatic community, to enable the team to have an objective view of the situation.

The Committee should take into account this goodwill and openness in determining the way forward and finding an amicable resolution of the matter. More effective and pragmatic means could be found to resolve these issues through cooperation rather than resorting to drastic measures, which might have far-reaching ramifications, and therefore could seriously undermine all of the efforts taken thus far to resolve the matter. The Committee should build upon the important progress achieved by the technical mission, work with the Government of Myanmar on a comprehensive framework for the elimination of the practice of forced labor, and refrain from applying measures under article 33 of the ILO Constitution. He referred to the proposal by the Governments for which he spoke, which he strongly believed merited the serious attention of the Committee in view of the latest positive developments.

#### DRAFT RESOLUTION

The representative of the Government of Malaysia, on behalf also of the representatives of the Governments of Indonesia and the Philippines (and announcing the support of the Governments of Cambodia, Laos, Singapore, Thailand and Viet Nam, which were not members of the Committee) proposed the replacement of the measures under article 33 of the ILO Constitution recommended by the Governing Body at its 277th Session by a recommendation to the Conference to adopt the following resolution:

The International Labour Conference,

Reaffirming the purposes and principles of the Constitution of the International Labour Organization,

Reaffirming that all member States have an obligation to apply fully, in law and in practice, the Conventions that they voluntarily ratified,

Taking note of the recommendations of the Governing Body at its 277th Session,

Welcoming the visit and the report of the technical cooperation mission as contained in Provisional Record No. 8 dated 2 June 2000,

Taking note of the letter of the Minister of Labour of the Union of Myanmar dated 27 May 2000 affirming that the Government of Myanmar has taken and is taking necessary measures to ensure that there are no instances of forced labor in Myanmar and would take into consideration appropriate measures, including administrative, executive and legislative measures, to ensure the prevention of such occurrences in the future,

1. Decides to defer consideration of the measures under article 33 of the Constitution recommended to the Conference by the Governing Body at its 277th Session and requests the Governing Body to review the recommended measures at its next session in the light of new developments and any progress that has been achieved with respect to the observance by the Government of Myanmar of commitments to the ILO in compliance with Convention No. 29,
2. Invites the Director-General of the ILO, with a view to assisting the Government of Myanmar in its effort to resolve the question, to send follow-up missions to Myanmar to work out, together with the Government of Myanmar, a comprehensive framework of legislative, executive and administrative measures including measures to ensure that there are no instances of forced labor in Myanmar in the future,
3. Invites the Government of Myanmar and the Director-General of the ILO to continue their cooperation in this regard,
4. Decides to review the progress on the implementation of this resolution at the 89th Session of the International Labour Conference.

# THE COM

**FOLLOWING THE SUBMISSION** of the alternative resolution by ASEAN nations, the Chairperson of the Selection Committee prepared a compromise for consideration by the Committee members and the Conference. Excerpts from the report of the Selection Committee and from the discussions at the June 15 session of the Conference appear here.

## **CONSIDERATION OF A DRAFT RESOLUTION-JUNE 9, 2000**

...The Committee considered the manner in which to proceed in the light of [the ASEAN] proposal, the delicate nature of the matter and the need for reflection and consultation. The Chairperson in particular proposed to undertake consultations with members of the Committee, taking account of the positions of different groups and the desirability of achieving a consensus. Consultations should take in as wide-ranging opinions as possible within this context. He invited Committee members from the different groups or regional coordinators to meet him in the course of the next day so that the way forward might be made clearer.

When the Committee reconvened on 9 June, the Chairperson noted that the consultations had confirmed that there appeared to be three different positions among members of the Committee. One did not accept the recommendations of the Governing Body. Another believed that the ILO must take a strong decision, because it was intolerable to let the situation in Myanmar continue unabated with people living the consequences of forced labor. A third thought that Myanmar should be allowed to correct the current state of affairs: although a decision under article 33 of the Constitution could be taken only by the Conference, implementation of that decision could be suspended for a time, so that Myanmar would understand that the forced labor problem must be decisively resolved. In this light, the Chairperson had prepared a draft resolution for the Committee's consideration. Fully recognizing that the text would not entirely reflect any one of the three positions, the Chairperson wished to submit it for discussion and possible approval by the Committee.

## **RESOLUTION SUBMITTED TO THE CONFERENCE**

The International Labour Conference,

Meeting at its 88th Session in Geneva from 30 May to 15 June 2000,

Considering the proposals by the Governing Body which are before it, under the eighth item of its agenda (Provisional Record No. 4), with a view to the adoption, under article 33 of the ILO Constitution, of action to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29),

Having taken note of the additional information contained in the report of the ILO technical cooperation mission sent to Yangon from 23 to 27 May 2000 (Provisional Record No. 8) and, in particular, of the letter dated 27 May 2000 from the Minister of Labour to the Director-General, which resulted from the mission,

Considering that, while this letter contains aspects which seem to reflect a welcome intention on the part of the Myanmar authorities to take measures to give effect to the recommendations of the Commission of Inquiry, the factual situation on which the recommendations of the Governing Body were based has nevertheless remained unchanged to date,

Believing that the Conference cannot, without failing in its responsibilities to the workers subjected to various forms of forced or compulsory labor, abstain from the immediate application of the measures recommended by the Governing Body unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry's recommendations, thereby ensuring that the situation of the said workers will be remedied more expeditiously and under more satisfactory conditions for all concerned;



# PROMISE

1. Approves in principle, subject to the conditions stated in paragraph 2 below, the actions recommended by the Governing Body, namely:

(a) to decide that the question of the implementation of the Commission of Inquiry's recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations;

(b) to recommend to the Organization's constituents as a whole - governments, employers and workers - that they: (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labor referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body;

(c) as regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labor;

(d) regarding the United Nations specifically, to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the

agenda of its July 2001 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry;

2. Decides that those measures will take effect on 30 November 2000 unless, before that date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled and therefore render the implementation of one or more of these measures inappropriate;

3. Authorizes the Director-General to respond positively to all requests by Myanmar that are made with the sole purpose of establishing, before the above deadline, the framework mentioned in the conclusions of the ILO technical cooperation mission (points (i), (ii) and (iii), page 8/11 of Provisional Record No. 8), supported by a sustained ILO presence on the spot if the Governing Body confirms that the conditions are met for such presence to be truly useful and effective.

## ASIA'S RESPONSE

**Mr. DATO'ZAINOL ABIDIN**  
(Government delegate, Malaysia)

I am making this statement by Malaysia on behalf of the Governments of Indonesia, the Philippines, Singapore, Viet Nam, Cambodia, the Lao People's Democratic Republic and Myanmar.

We as member States of the ILO continue to insist on the question of observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which the Governing Body has decided to place on the agenda of the 88th Session of the International Labour Conference. The Asian labor ministers, at their 14th meeting held on 11 and 12 May 2000 in Manila, discussed the matter constructively with a view to contributing to a resolution of this problem. The ministers welcomed the invitation extended by the Government of Myanmar to the ILO technical cooperation mission to visit Yangon, and they strongly urged the ILO to send the mission to assist Myanmar with implementation of the Convention.

As everyone is aware, the ILO mission visited Myanmar from 23 to 27 May 2000. We welcome this visit and would like to place on record our sincere gratitude to Mr. Juan Somavia, the Director-General. We also commend the members of the technical team for all their efforts.

The visit and the report of the ILO technical cooperation mission to Myanmar mark important progress in efforts to secure the commitment of the Government of Myanmar to resolving the forced labor issue. This new development and, in particular, the sincerity and willingness of the Government of Myanmar to cooperate in finding a solution to this problem represent a significant change and a major step forward. It is our earnest hope that account will be taken of this goodwill and openness on the part of the Myanmar Government in determining further steps to be taken to reach an amicable solution to the issue.

The Government of Myanmar went out of its way to help the technical team meet as many key government and other representatives as possible, including members of the diplomatic community. Its aim was to enable the mission to have an objective view of the situation in Myanmar.

We would therefore request that the members of this august body also look at the issue in an objective fashion, since this belief would be in the interests of all

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*Mr. Dato'zainol  
Abidin  
(Government  
delegate, Malaysia)*

the parties. In light of the foregoing, we take the view that the most effective and pragmatic means of resolving the issue of Convention No. 29 is cooperation, rather than drastic measures. The measures envisaged may have far-reaching ramifications, and could seriously undermine all the efforts taken thus far to resolve this question. We call upon the Members of the ILO to build upon the progress achieved by the technical cooperation mission and to work with the Government of Myanmar to elaborate a comprehensive framework for the elimination of the practice of forced labor in Myanmar. We also ask the Members to refrain from applying measures pursuant to article 33 of the ILO Constitution, as these are not necessarily justified.

**Mr. LEPATAN**  
(Government delegate, Philippines)

The adoption of measures under article 33 of the Constitution has no precedent in the long history of the ILO. The adoption of such measures will open a Pandora's box, the consequences of which nobody can foresee. Prudence dictates that such measures should only be resorted to as a last recourse, when all other avenues for resolving the problem have been closed. That stage has not yet been reached. The avenue for a cooperative solution, opened by the ILO's technical cooperation mission to Myanmar, remains to be fully explored and exploited. It is with this in mind, that the ASEAN group proposed a resolution in the Selection Committee, that would defer the adoption of drastic measures under article 33. This would give Myanmar time, with the help of the ILO, to demonstrate in concrete terms its sincerity and willingness to comply fully with its commitments under the Forced Labour Convention, 1930 (No. 29). If progress is achieved through this avenue, it may not be necessary for this body to consider measures that our predecessors in this Organization took care to avoid.

It would be useful to note that ASEAN did not block the adoption of the Governing Body's recommendations during its 277th Session, and the ASEAN resolution in the Selection Committee did not in any way seek to alter the Governing Body's recommendations. In presenting the resolution, ASEAN was not asking that the sword of article 33 be turned into plough shears, only that the sword be placed in the scabbard while cooperation with Myanmar is being worked out. Should cooperation fail, then the sword remains available to the Conference.





The delegation  
of Thailand  
at the ILO  
Conference in  
Geneva this  
June.

This, we believe, is a more logical and reasonable approach than the proposal now to adopt measures to threaten Myanmar and to force cooperation. It is, therefore, unfortunate that the proposed ASEAN resolution, and another compromise formula submitted to the Selection Committee, were not given the hearing they deserve. ASEAN is thankful to the Chair for allowing the ASEAN resolution to be placed on record. History may be the better judge on the wisdom of the ASEAN resolution.

We believe that this Conference should open doors not close avenues. We continue to believe that the best approach is the cooperative approach, through the avenue opened by the ILO's technical cooperation mission. Accordingly, my delegation, on behalf of several other Government delegations, namely Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore and Viet Nam, will present to this body a set of amendments to the resolution submitted to the Conference by the Selection Committee.

It is our hope that the Chair will allow us, at the appropriate time, to introduce the amendments that we believe will keep the possibility of cooperation alive and put the time and effort already spent on the technical cooperation mission to good use.

**Ms. KUNADI  
(Government delegate, India)**

India is strongly opposed to the practice of forced labor. Article 23 of the Indian Constitution prohibits forced labor and any contravention of this provision is an offense punishable in accordance with the law.

India is also fully committed to the ILO Constitution. We have been supportive of the Declaration on Fundamental Principles and Rights at Work and its promotional follow-up. We believe that countries voluntarily adhering to the ILO Conventions should comply fully with them.

With regard to the matter before us today, we have always advocated dialogue and cooperation between the ILO and the Government of Myanmar. It was therefore a matter of satisfaction for us when there was a movement in the right direction, in the form of the recent visit of the ILO technical cooperation mission to Myanmar. The report of this mission indicates that the Government of Myanmar fully honored its commitment to give the mission the necessary freedom of action to make contacts. The mission had meetings at the highest levels of the Government. According to the same report, the mission was assured that any forced labor practices would be dealt with and punished in accordance with the law. As indicated

in the letter of 27 May from the Minister of Labour of Myanmar to the Director-General of the ILO, Myanmar also showed its openness to continued consultation and technical cooperation with a view to resolving the matter.

We are opposed to the punitive measures recommended by the Selection Committee as, in our view, the ILO's objectives and workers' rights can best be promoted through dialogue and technical cooperation, not through punitive measures or the threat of such measures. The desirability of such measures is all the more doubtful at a juncture when a process of dialogue has already been initiated through the visit of the technical cooperation mission. We also have grave doubts about the desirability and legislative authority of the recommended measures that seek to take the issue to other organizations outside the ILO.

We believe that the adoption of punitive measures would not serve to move things in the right direction and could indeed be counter-productive. India is of the view that further consideration of this matter should be deferred, so that the process of dialogue and cooperation, initiated through the visit of the ILO mission, may be carried forward to resolve outstanding problems and issues, and that nothing should be done to negate the trust resulting from the mission's visit. We are accordingly opposed to the resolution on the subject, transmitted to the Conference by the Selection Committee.

**Mr. ZAINAL**  
(Workers' delegate, Malaysia)

I stand today in this august house in support of the Workers' group's stand in respect of the very important issue which is being discussed.

During this session of the Conference, the first in the millennium, we are addressing issues concerning workers' interests and their livelihood as human beings, particularly in Myanmar. While going through the reply dated 27 May 2000 from the Myanmar Labour Minister to the Director-General, I noticed that the Myanmar Government does not appear to satisfy the recommendations of the ILO's Commission of Inquiry. The Government of Myanmar's answer is unclear.

The Commission of Inquiry clearly stated its finding that any action constituting forced labor in violation of Convention No. 29 should be rendered illegal under national law. The Commission further stated that the Government should ensure that all legislative

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*Mr. Zainal*  
(Workers' delegate,  
Malaysia)

provisions in force that permit the imposition of forced labor should be repealed or properly amended. So what is proposed here? The provisions of the Village Act and the Towns Act should be brought into line with the Forced Labour Convention, 1930 (No. 29), and the penalties imposed under section 374 of the Penal Code should be strictly applied to all persons imposing forced labor. We have seen no assurance in this regard from the Myanmar Government so far.

Forced labor in Myanmar is not a new phenomenon; it has been in the system for many years now, with the Government making countless promises through the years that corrective and remedial action would be taken to bring national laws in line with the Forced Labour Convention. We have not seen any tangible evidence to date. As I said, the Myanmar Government is serious about the issue, despite its rejection of a recommendation of the Commission of Inquiry, as stated in the report. The Workers' group of the Governing Body has, for its part, made firm representations on several occasions under article 24 of the ILO Constitution, calling for concrete measures and pointing out the need to eliminate forced labor in Myanmar.

Every citizen has the right to freedom of association, worship, and the right to assembly without let or hindrance from the regulatory authorities.

The trade union movement has not been allowed to exercise its rights in Myanmar, and this is a departure from the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The ILO has given ample time to the Government of Myanmar since last year when we discussed this topic. Last year, in this august house, we deliberated, we decided, we voted and we gave the Myanmar Government a year to correct themselves, to make a change.

Some countries are now calling for the Myanmar Government to be given still more time. If the Myanmar Government is serious about this problem, it can demonstrate that within one month, not one year; they can do it tomorrow if they want to. If the Myanmar Government, or any other government, asks for one more year, I do not think anything will change—even if it is given ten years—if it is not sincere. I do not think they can ratify or implement this Commission of Inquiry's findings.

The Government should understand that it is not the intention of the Commission of Inquiry to embarrass it. Its findings concentrate purely on the pressing need for the Government to bring national law into



conformity with the Forced Labour Convention, 1930 (No. 29). The Government is responsible before each of its citizens, and it is its responsibility to ensure the people of Myanmar are not compelled to work against their will.

In the Director-General's Report entitled *Your Voice at Work*, which was tabled for discussion during the 87th Session of the International Labour Conference last year, it was clearly stated that the primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. We need to ensure that this primary goal is achieved, as we have already entered the new millennium.

**Mr. THAN**  
(Government delegate, Myanmar)

This august assembly is about to take action regarding the resolution on the situation in Myanmar, contained in the appendix to Provisional Record No. 6-4. The question before us is one of great importance and extreme gravity. This is a time for soul searching. We must search our hearts and minds and think deep within our hearts. We must weigh more carefully whether the path of confrontation and coercion recommended in the resolution is, I quote, "wise and expedient." Or, whether the path of dialogue and cooperation is better, and more likely to produce fair results desired by us all. Let us not talk about the past. Let us talk about the present. More importantly, let us talk about the future.

Myanmar has indicated that it is ready, and willing, to cooperate with the ILO. The report of the technical cooperation mission makes it absolutely clear that Myanmar has indeed cooperated, and is willing to carry forward the process of dialogue and cooperation. To cast doubts on Myanmar's intentions and to insist on extreme measures will not serve the cause of the workers. Instead of imposing sanctions, a more reasonable course, in the view of most delegations, is the corporate approach proposed by the ASEAN member States, which is to continue the ongoing process of dialogue and cooperation, and to review progress at the November session of the Governing Body.

Never in the history of the ILO has article 33 been invoked to impose sanctions on a member State. This should never occur. Much less, if the member State concerned has voluntarily cooperated with the ILO, and if it has been already subjected to sanctions under

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*Mr. Than*  
(Government  
delegate,  
Myanmar)

the resolution of the 87th Session of the International Labour Conference. The sanctions contemplated under article 33 are contrary to the spirit of the ILO Constitution. As stated in the Selection Committee on 9th June last, the application of sanctions will be tantamount to the ILO assuming the powers of the United Nations Security Council. More importantly, it would set a dangerous precedent. Any developing country may fall victim to this mechanism. The resolution contained in the appendix to Provisional Record No. 6-4 as it now stands, is excessive and extreme. It is, therefore, totally unacceptable to my delegation. It is a dangerous resolution. Its provisions, particularly operative paragraphs 1(b), 1(c) and 1(d), recommend sweeping and unwarranted drastic measures. The resolution would certainly have far-reaching legal implications. Particularly, the legal basis and the permissibility of measures recommended in operative paragraph 1(c) are highly questionable, to say the least. The moral and political implications of the resolution are also disturbing. It is hoped that the Conference will choose the path of dialogue and cooperation, rather than the path of confrontation and coercion. The former path will certainly enhance the image of the ILO, and will further advance the cause of workers. It is also hoped that reason, sense of justice and fairness, and spirit of cooperation shall prevail eventually.

**Ms. JANJUA**  
(Government delegate, Pakistan)

Pakistan has ratified the Forced Labour Convention, 1930 (No. 29), and we are opposed to all forms of forced labor.

Forced labor in Myanmar has been an issue of concern in the ILO, following the submission of the report of the Commission of Inquiry.

We note, however, that Myanmar has shown a willingness to cooperate with the international community to address the problem of forced labor.

Pakistan, therefore, is opposed to the resolution forwarded by the Selection Committee for consideration by the Conference. Our position is based on two points of principle.

First, we oppose a sanction-based approach. Therefore, we believe that measures should not be adopted under article 33 of the Constitution. Invoking sanctions under article 33 is an extreme provision, and has never been resorted to in the history of the Organization.

Today, adopting measures under this article would send an extremely negative signal to member States of the Organization that are willing to cooperate and work with the ILO to implement international labor standards.

Secondly, Myanmar has recently welcomed the technical cooperation mission and has expressed its clear willingness to work with the ILO to eliminate forced labor.

The technical cooperation mission was given complete freedom of action by the authorities in Myanmar. The situation, therefore, has changed since the adoption of the recommendation to the Conference by the Governing Body. This should be taken into account by the Conference.

Myanmar invited the technical cooperation mission which has presented a rather balanced report. It is clear from the report that the Government of Myanmar has shown its commitment to work with the ILO in dealing with the problem of forced labor.

We believe that adopting the resolution before the Conference today may not help to deal with the problem. It could hardly help the Government of Myanmar to work towards dealing with the issues identified in the report of the Commission of Inquiry.

We strongly support the path of cooperation and dialogue between the ILO and the Government of Myanmar. The process of cooperation and dialogue, which commenced with the technical mission, must move forward.

We, therefore, disagree with the content of the resolutions sent by the Selection Committee to the Conference, and strongly recommend that we should work for cooperative action instead of adopting a confrontational approach.

Those who are proposing action on the resolution proposed by the Selection Committee must realize that such confrontation will only create fissures in the Organization, and can hardly serve the purpose of promoting ILO standards.

The adoption of harsh measures is not advisable by any Organization, especially the ILO, which is based on tripartite cooperation.

The promotion of labor standards to a sanction-based approach has been consistently opposed by developing countries. This is a fact.

There is an obvious need for greater dialogue and cooperation within this Organization, instead of resorting to punitive action by adopting the proposal before us today.

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*Mr. Li  
(Government  
adviser and  
substitute delegate,  
China)*

Finally, we do not believe that the resolution forwarded by the Selection Committee provides the middle ground, or a compromise. We stated clearly in the Selection Committee that the extreme poles were between those who wanted punitive measures under article 33 and those who, like us, wanted the Conference to take cognizance of the commitment made by the Government of Myanmar by inviting the technical cooperation team. We are of the view that this invitation could help in resolving the issues.

The resolution drafted by the Selection Committee ensures the implementation of punitive measures against a developing country.

**Mr. Li**

**(Government adviser  
and substitute delegate,  
China)**

The Chinese Government has consistently been of the opinion that technical cooperation and dialogue are the means with which to promote the effective application of international labor standards by the member States, whereas any form of sanction and punishment is not conducive to the general resolution and solution of such problems.

We have noted that there has been very positive progress in terms of technical cooperation in the field of the Forced Labour Convention, 1930 (No. 29), between the ILO and the Government of Myanmar. Yet the Selection Committee still insists on the application of article 33 of the Constitution, and has carried out extreme measures against Myanmar.

This has now occurred for the first time in the ILO's history. It has created a very dangerous precedent. Therefore, the Chinese Government opposes the application of article 33 of the Constitution.

We hope that the ILO and the Myanmar Government establish a dialogue in the field of the application of Forced Labour Convention, 1930 (No. 29), and will be able to achieve better results.

**Mr. AHMAD  
(Workers' delegate, Pakistan)**

I intervene at this late hour because the workers of Pakistan belong to the part of Asia to which Myanmar also belongs, and we participated in the deliberations of the Governing Body and of the Selection Committee.

I would like to remind the distinguished delegates that this Organization was founded in 1919 on the



principles of promoting social justice, freedom, and dignity for working men and women.

We are entering the twenty-first century. The question is whether slavery is compatible with freedom; whether that indignity is compatible at all with human dignity. These are among the fundamental questions with which we are confronted in this great Organization and which have led to the complaint against the Government of Myanmar.

The Commission of Inquiry in its report gave very concrete indications that a state of slavery exists in Myanmar, that workers there are victims of exploitation, and that the practice must be abolished.

Under these circumstances, the ILO and the Workers' Group have appealed to the Government of Myanmar to accept dialogue and technical cooperation in order to eradicate these evils. Unfortunately, for the last three years the authorities have not heeded those calls. The ILO Governing Body passed a resolution calling for specific measures, and the Government of Myanmar agreed to admit a technical cooperation mission which visited the country. During the course of the discussions in the Selection Committee, we in the Workers' Group, led by Mr. Brett, felt that we should give an opportunity to the Government of Myanmar to take advantage of the technical cooperation, instead of adopting a resolution. This has been deferred. There is thus no victimization or any sort of sanction, or any intimidation of developing countries.

We all believe in the dignity of human beings and in the promotion of freedom, which are the basic rights of workers all over the world. The ILO has been declared the conscience of the world. That is why it was awarded a Nobel Prize on its 75th anniversary.

Now, I listened with great interest to the intervention of the distinguished Government spokesperson. We have also filed a complaint against the previous Government of Pakistan which violated certain basic workers' rights. The Governing Body passed a resolution on the matter, and we are very happy that, thanks to our own efforts and the intervention of the Director-General, the Government has resolved that particular issue. We welcome this.

Therefore, the developing countries need not worry if they are ready to abide by their obligations which they have undertaken under the Constitution and the ILO Conventions which they have ratified.

The Government of Myanmar is entitled to avail itself of the opportunity during the course of five

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*Mr. Futrakul  
(Government  
delegate, Thailand)*

months to eradicate slavery and forced labor. Such are the conclusions which have been made by this independent body and we therefore call upon all delegates to support this report as their commitment to freedom, to social justice, to the dignity of working men and women all over the world. Our delegation fully supports the adoption of this report.

**Mr. FUTRAKUL**  
(Government delegate, Thailand)

The Thai Government is of the view that, as a matter of principle, cooperation should not be rewarded with threats or punishment. In this connection, the Government of the Union of Myanmar has fully cooperated with the ILO by inviting a technical mission to Myanmar, to engage in dialogue with the highest level of the Myanmar Government. Furthermore, the Government of the Union of Myanmar has declared its willingness to work closely with the ILO to implement the recommendations of the ILO technical mission, by producing a comprehensive framework to ensure that all relevant laws and regulations fully comply with the ILO's Forced Labour Convention, 1930 (No. 29).

Given such commitment by the Government of the Union of Myanmar to cooperate with the ILO to resolve this issue, the Thai Government believes that every effort should be made by all parties concerned to foster such cooperation. However, this resolution, as it stands, with its punitive measures, will be counter-productive to such cooperation. It will adversely effect the atmosphere, dialogue and cooperation between the ILO and the Government of the Union of Myanmar.

Who among us would give wholehearted and voluntary cooperation with the sword of Damocles hanging over their heads? The Thai Government is of the conviction that the ILO should try its utmost to foster the voluntary cooperation of all its member States. This positive course of action will enhance the stature and effectiveness of the ILO.

The Thai Government, therefore, expresses its sincere hope that this august Conference will encourage further cooperation between the ILO and the Government of the Union of Myanmar in order to fully implement, as soon as possible, the recommendations of the ILO technical mission. This should be carried out in an atmosphere that is conducive to such cooperation — an atmosphere that is free from any threats or punitive measures.



**THE RESOLUTION** prepared by the Selection Committee concerning the measures recommended by the Governing Body under article 33 of the Constitution with respect to Burma was put to the Conference at large for a vote on the 14<sup>th</sup> of June. A request was made by the head of the Workers' Group for a recorded vote, and the results were as follows: 257 votes in favor, and 41 against, with 31 abstentions. Since the quorum was 271 and the required two-thirds majority was 150, the resolution as submitted by the Selection Committee was adopted. Following are reactions to the results of the vote as excerpted from the Reports of the Selection Committee.

**Mr. ANN**  
**(Government adviser, Singapore)**

The Government delegation of Singapore would like to present an explanation of the vote as follows.

We know that Myanmar has taken the initiative to invite a technical cooperation mission to assist it in complying with Convention No. 29.

An ILO mission visited Myanmar in May 2000. The mission reported on Myanmar's willingness to seek further cooperation with the ILO.

We also understand that Myanmar has conveyed to the ILO's Director-General an assurance to consider administrative, executive and legislative measures to prevent instances of forced labor.

Since Myanmar has made a positive step regarding compliance with Convention No. 29, it should be encouraged and allowed the time and opportunity to pursue further cooperation with the ILO in this regard. To do otherwise would be counter-productive to the implementation of a comprehensive framework of measures in Myanmar to comply with Convention No. 29.





Moreover, the invocation of article 33 is a very serious and unprecedented measure. It should only be used when all avenues of cooperation and dialogue have been exhausted.

For the above reason, the Singapore Government delegation has reservations [about] the underlying approach in the resolution and therefore has decided to vote against the resolution.

**Mr. THAN**

**(Government delegate, Myanmar)**

Today is indeed a sad day for the ILO and a sadder day for the developing countries that are member States of the ILO. Today Myanmar is singled out for censure and punitive action. Tomorrow it may be another developing country. As all of us are aware, judgements of observance or non-observance of labor standards are more often than not subjective, arbitrary and in some instances even politically motivated.

In the case of Myanmar the problem arose from an arbitrary judgement based on misinformation. This misinformation emanates from elements opposed to the Myanmar Government — insurgent

groups and self-proclaimed workers' organizations which are more politically motivated than dedicated to promoting the interests of workers. It is obvious that a fair and balanced perception cannot be obtained if the judgement is to be based on such misinformation.

Notwithstanding the more prudent approach advocated by many of its member States, the International Labour Conference has chosen a path of confrontation and coercion by invoking article 33.

The ASEAN member States, together with like-minded countries, have expressed reservations against the action taken by the International Labour Conference.

Myanmar appreciates the [principled] stand taken by those countries that article 33 of the ILO Constitution should never be invoked and that sanctions should never be imposed on Myanmar. It is most regrettable that a drastic decision, contrary to what many Members believe in and uphold, was taken by the International Labour Conference. It is obvious that this unwarranted and unjustified action by the International Labour Conference is aimed at

exerting pressure on Myanmar. The positive steps taken by the Myanmar Government have been completely ignored.

The decision just taken by the Conference will no doubt place the credibility, integrity and the reputation of the ILO in question. It penalizes a member State which has been voluntarily cooperating with the ILO and which has already been subjected to other punitive measures.

This action by the Conference is most unfair, most unreasonable and most unjust. This resolution is totally unacceptable to my delegation. For these reasons, my delegation totally and categorically rejects the resolution and dissociates itself from it and any activities or effects connected with it.

I would particularly like to draw the attention of our colleagues from Myanmar to the fact that ... the deadline is set, not for today, but for the end of November, that is to say, a new window of opportunity has been opened for Myanmar.

—Mr. Haraguchi, Government delegate, Japan

Nevertheless, I should like to express our hope that the avenue of cooperation has not been completely closed. We have indicated our willingness to cooperate in good faith on our part on the basis of the letter of the Minister of Labour, dated 27 May 2000, provided that the other side reciprocates this spirit and refrains from taking coercive measures.

**Mr. HARAGUCHI  
(Government delegate, Japan)**

Thank you for recognizing me all the way up here on the second floor. The ILO has a history of valiant efforts and outstanding achievements towards the improvement of conditions and standards of work throughout the world, and many of us present here have directly or indirectly benefited from those efforts. The issue before us now is a situation of forced labor in Myanmar. A resolution has been adopted threatening to gradually drive that country

into isolation, while aiming at the elimination of forced labor in that country. The Government of Japan voted against this resolution. We did so not because we think the problem of forced labor does not exist in Myanmar. On the contrary, it is exactly because we recognize the graveness of the problem and because we concluded that the best way to redress the situation would be to strongly encourage the present administration of Myanmar to ensure that there should be no forced labor in that country through a process of dialogue and assistance on the spot, rather than through drastic punitive measures. After a process of five years, Myanmar has finally begun to show its willingness to cooperate with the ILO. This was brought about by the efforts of the Members, as well as the Office, and we should well appreciate and take into account the significance of these changes.

The Government of Japan, frankly, was not happy with the resolution, but now that it has been adopted we wish to read optimism in its language.

Let us hope, and call upon the Government of Myanmar to maintain its dialogue and working relationships with the ILO. In this context, I would particularly like to draw the attention of our colleagues from Myanmar to the fact that, in recognition of its positive response to the mission sent by the ILO, the deadline is set, not for today, but for the end of November, that is to say, a new window of opportunity has been opened for Myanmar. This window of opportunity has been opened because of the perception, not only on the part of Government delegates, but also of the Workers and the Employers, that however subtle the change in Myanmar's stance may be, it is worth taking it seriously. Had the Government of Myanmar not accepted the technical mission, this extension would not have been offered: Myanmar has earned it.

I would strongly urge the Office to assist the Government of Myanmar, by the means mandated to it, including the dispatch of more technical cooperation missions, in order to support and facilitate the process of transition in Myanmar towards the elimination of forced labor. I sincerely advise the Government of Myanmar not to take such offense from this resolution as to cast away the positive elements contained in it, but rather to make the most of them and take the necessary steps before November, along the lines already clearly expressed in the letter from the Labour Minister, thereby prov-





ing its seriousness and sincerity in its commitment. In so doing, by honoring its promise, Myanmar will be able to gain renewed standing and recognition in the ILO and the international community as a whole. In this regard, the Japanese Government will stand ready to facilitate further dialogue between Myanmar and the ILO, by providing good offices and any assistance that may be called for, for the sake of resolving the issue.

**Mr. BRETT**  
(Workers' delegate, United Kingdom;  
Worker Vice-Chairperson of the Selection  
Committee)

I applaud the wise words of the Japanese Ambassador. He delivers a wise and timely message. I endorse everything he has said except his optimism, because I did not hear anything in the response from the Government of Myanmar to justify it.

We came to the rostrum today seeking a consensus. We asked for a recognition that more time was now available. Instead, what we got — as we had before in the Selection Committee on Friday — was a prepared text. It is actually written in "Word Perfect," which is a very speedy way of communicating, but even the Ambassador of Myanmar could hardly have written it after our decision had been taken. What we have yet again is a prepared text that rejects the findings of the Commission of Inquiry. We cannot let such a thing pass without comment. The Minister of Labour, in his comments on the

Director-General's Report in Provisional Record No. 18, spoke in much the same terms as those used today by the Ambassador of Myanmar. He talked of bogus workers' organizations and politically oriented organizations. We are afraid that the Government of Myanmar is an expert on what bogus workers' organizations are. We were prepared to overlook that insult, but not to be insulted again.

I fear that the wise words of the Japanese Ambassador will be ignored by the Government of Myanmar at its peril. The Governing Body will not hesitate in November to enact all parts of this resolution, but it will also refrain from enacting any part of it, if that is appropriate. This will depend entirely on the Government of Myanmar.

**Mr. THUSING**  
(Employers' delegate, Germany;  
Chairperson of the Employers' Group)

I would also like to thank the Japanese Ambassador for his contribution. Now that we have arrived at the end of this debate, the employers do not agree completely with the unions, and they do not agree with Lord Brett's position. I would say that the most important thing here is trust. Trust has been abused, but I am sure that with common sense on the part of everybody we can move ahead; I am sure that, with the support of other countries in the region, the Government of Myanmar will enter into the necessary cooperation with the ILO. If I have made a mistake, I am sorry. I am sure we will move on.

The Japanese  
delegation to  
the June 2000  
Conference of  
the International  
Labour  
Organization.

# INTERNATIONAL 88TH SESSION, GENEVA

Vote on the resolution concerning the measures recommended by the Governing Body under article 33 of the Constitution with respect to Myanmar

(G) GOVERNMENT REPRESENTATIVE

(E) EMPLOYERS REPRESENTATIVE

(W) WORKERS REPRESENTATIVE

**FOR: 257**  
**AGAINST: 41**  
**ABSTENTIONS: 31**  
**QUORUM: 271**

**FOR: 257**

## Algeria

Benfreha, M. (G)  
Benbouzid, M. (G)

## Argentina

Kritz, Sr. (G)  
Sappia, Sr. (G)  
Funes de Rioja, Sr. (E)  
Daer, Sr. (W)

## Australia

Drever, Mr. |G|  
Stewart, Mr. (G)  
Noakes, Mr. (E)  
Matheson, Mr. (W)

## Austria

Melas, Mr. |G|  
Dembsher, Ms. (G)  
Arbesser-Rastburg, Mr. (E)  
Djalinos, Ms. |VV|

## Bahamas

Symonette, Mr. |G|  
Dean, Mr. (G)  
Arnett, Mr. (E)  
Moss, Mr. (W)

## Bangladesh

Hyder, Mr. (E)  
Khan, Mr. |WI|

## Barbados

Lowe, Ms. |G|  
Simmons, Mr. (G)  
Trotman, Mr. (W)

## Belgium

Peirens, M. (G)  
Vandamme, M. (G)  
Da Costa, M. (E)  
Cortebecq, M. (W)

## Belize

Burrowes, Ms. (E)  
Melendez, Mr. (W)

## Benin

Oni, M. (G)

## Bolivia

Avila Seifert, Sra. (G)  
Gumucio Dagron, Sr. (G)

## Botswana

Sebele, Mr. (G)  
Mojafi, Mr. (G)  
Dewah, Mr. (E)  
Monyake, Mr. (W)

## Brazil

Machado, Mr. (G)  
Gomes dos Santos, Ms. (G)  
Bittencourt da Silva, Mr. (E)  
De Barros, Mr. (W)

## Bulgaria

Krasteva, Ms. (G)  
Draganov, Mr. (G)  
Mladenov, Mr. (W)

## Burkina Faso

Soulama, M. (G)  
Sawadogo, M. (G)

## Canada

Robinson, Ms. (G)  
Perlin, Ms. (G)  
Lawson, Mr. (E)  
Parrot, Mr. (W)

## Chile

Ljubicic Godoy, Sr. (G)  
Vega Patri, Sr. (G)  
Moraga Contreras, Sr. (W)

## Colombia

Fajardo Abril, Sr. (W)

## Congo

Menga, M. (G)

## Costa Rica

Penrod, Sr. (G)  
Brown Young, Sr. (W)

## Côte d'Ivoire

Adiko, M. (W)

## Croatia

Kos, Ms. (G)  
Musulin, Ms. |G|  
Horvatic, Ms. (E)

## Cyprus

Eftychiou, Mr. (G)  
Samuel, Ms. (G)  
Kittenis, Mr. (W)

## Czech Republic

Fuchs, Mr. |G|  
Rychly, Mr. (G)  
Beran, Ms. (W)

## Denmark

Adler, Ms. (G)  
Hess, Mr. (G)  
Rønne, Mr. (E)  
Wistisen, Mr. |W|

## Dominican Republic

Reyes Urena, Sr. |G|

## Egypt

Taha, Mr. (W)

## El Salvador

Nieto Menendez, Sr. (G)  
Soto Ramirez, Sr. (E)  
Nerio, Sr. |W|

## Eritrea

Woldeyohannes, Mr. (G)

## Estonia

Joonsaar, Ms. (G)  
Hindov, Ms. (G)  
Paarendson, Ms. |E|

## Ethiopia

Iacona, Mr. (E)

## Finland

Saastamoinen, Ms. |G|  
Salmenpera, Mr. |G|  
Huttunen, Mr. |E|  
Valkonen, Ms. (W)

## France

Join-Lambert, Mme (G)  
Lavergne, M. (G)  
Rolland, Mme (E)  
Valladon, M. (W)

## Gabon

Ndong-Nang, M. (G)  
Angone-Abena, Mme (G)  
Allini, M. (W)

## Germany

Eberle, Mr. (G)  
Willers, Mr. |G|  
Thüsing, Mr. |E|  
Adamy, Mr. (W)

## Ghana

Wudu, Mr. |G|  
Katsriku, Ms. (G)  
Agyei, Mr. (W)

## Greece

Laiou-Spanopoulou, Mme (G)  
Ypsilantis, M. (G)  
Charakas, M. (E)  
Deliannakis, M. (W)

## Guatemala

Alfaro Milangos, Sr. |G|  
Castro Molina, Sr. |G|  
Ricci Muadi, Sr. (E)  
Mesias Ortiz, Sr. (W)

## Honduras

Salinas Elvir, Sr. |W|

## Hungary

Varga, Mr. |G|  
Ory, Mr. (G)  
Gyorgy, Mr. (W)

## Iceland

Kristinsson, Mr. (G)  
Jonsson, Mr. |G|  
Magnusson, Mr. |E|  
Haraldsson, Mr. (W)

## India

Kohli, Mr. (E)

## Indonesia

David, Mr. (W)

## Ireland

O'Donovan, Ms. (W)

## Islamic Republic of Iran

Eghballi, Mr. (E)  
Salimian, Mr. (W)

## Israel

Waxman, Mr. (G)

## Italy

Salimei, M. |G|  
Ferrara, M. (G)  
Sasso Mazzufferi, Mme |E|  
Coletti, Mme (W)

## Japan

Suzuki, Mr. |E|  
Ito, Mr. (W)

## Kazakhstan

Kuanysbaeva, Ms. |G|

## Kenya

Owuor, Mr. (E)  
Munyao, Mr. (W)

## Kuwait

Al-Ajmi, Mr. (W)

## Latvia

Radzevics, Mr. |W|

## Lesotho

Morakeng, Mr. (G)  
Makeka, Mr. (E)  
Motopela, Mr. (W)

## Luxembourg

Zahlen, M. (G)  
Bertrand-Schau, Mme |E|  
Pizzaferrri, M. (W)

## Madagascar

Dama, M. (G)

## Malawi

Kambuto, Mr. (G)  
Antonio, Mr. (W)

## Malaysia

Zainal, Mr. |W|

## Mauritania

Ould Mohamed Lemine, M. |G|  
Sow, M. (W)

## Mauritius

Sawmy, Mr. |G|  
Jolie, Mr. (G)  
Jeetun, Mr. (E)  
Lutchmun Roy, Mr. (W)

## Mexico

De Icaza, Sr. (G)  
Carvalho Soto, Sra. |G|  
De Regil, Sr. |E|  
Anderson Nevarez, Sra. (W)

## Mozambique

Herculano, Mr. (G)  
Machalele, Mr. (G)  
Manjaze, Mr. |W|

## Namibia

Schlettwein, Mr. |G|  
Shingudja, Mr. (G)

## Netherlands

Van Leur, Ms. |G|  
Van Der Heijden, Mr. (G)  
Huntjens, Mr. (E)  
Elty, Mr. (W)

## New Zealand

Farrell, Mr. |G|  
Chetwin, Mr. (G)  
Knowles, Ms. (E)  
Beresford, Ms. (W)

## Nicaragua

Montenegro Castillo, Sr. (G)  
Peralta Paguaga, Sra. |G|

## Niger

Mamane, M. (G)



# LABOUR CONFERENCE

## 2000

<b>Nigeria</b> Ahmad, Mr. (G) Onyenemere, Mr. (W)	<b>Romania</b> Limbidis, Mme (G) Farcas, M. (G) Munteanu, M. (E) Marin, M. (W)	<b>Switzerland</b> Niitzi, Mme (G) Brupbacher, M. (G) Plassard, M. (E) Mugglin, M. (W)	<b>AGAINST: 41</b>	<b>Sri Lanka</b> Ekanayake, Mr. (G) Wimalasena, Mr. (G)	<b>Oman</b> Al-Yahyai, Mr. (G) Al-Alabduwani, Mr. (G)
<b>Norway</b> Vidnes, Mr. (G) Bruaas, Mr. (G) Kaada, Mr. (E)	<b>Russian Federation</b> Pirogov, Mr. (G) Eremeev, Mr. (E) Shmakov, Mr. (W)	<b>Thailand</b> Khanthavil, Ms. (E) Rodsima, Ms. (W)	<b>Bangladesh</b> Islam, Mr. (G) Chowdhury, Mr. (G)	<b>Uruguay</b> Callorda Salvo, Sr. (G) Penino, Sr. (E)	<b>Philippines</b> Inocentes, Mr. (E)
<b>Oman</b> Al-Rabeey, Mr. (E) Al-Shabibi, Mr. (W)	<b>San Marino</b> Fiorini, M. (G) Bigi, Mme (G) Villani, M. (E) Macina, M. (W)	<b>Trinidad and Tobago</b> Richards, Ms. (G) Supersad, Ms. (G)	<b>Cambodia</b> Thach, Mr. (G) Keo, Mr. (G) Ros, Mr. (W)	<b>Venezuela</b> Ramirez Leon, Sr. (W)	<b>Qatar</b> Hayder, Mr. (G) Al-Khalifa, Mr. (G) Al-Fihani, Mr. (E)
<b>Pakistan</b> Ahmad, Mr. (W)	<b>Saudi Arabia</b> Al-Hajri, Mr. (W)	<b>Tunisia</b> Trabelsi, M. (W)	<b>China</b> Li, Mr. (G) Li, Mr. (G) Qiu, Ms. (E) Xu, Mr. (W)	<b>Viet Nam</b> Ngo, Mr. (G) Tran, Ms. (G) Le, Mr. (E) Vo, Mr. (W)	<b>Republic of Korea</b> Lee, Mr. (G) Yi, Mr. (G)
<b>Panama</b> Beliz, Sr. (G) Ledezma Vergara, Sr. (G) Durling, Sr. (E) Mendez, Sr. (W)	<b>Singapore</b> Yacob, Ms. (W)	<b>Turkey</b> Berber, Mr. (G)	<b>Cuba</b> Montesinos, Sra. (G) Travieso Damas, Sr. (G)	<b>Zambia</b> Mukuni, Mr. (G)	<b>Saudi Arabia</b> Al-Mansour, Mr. (G) Alhadlaq, Mr. (G)
<b>Papua New Guinea</b> Kuhena, Mr. (G) Haroe, Ms. (W)	<b>Slovakia</b> Vavro, Mr. (G) Bauer, Ms. (G) Va norsky, Mr. (W)	<b>Ukraine</b> Krasilshchikov, M. (G) Maimeskul, M. (G) Myroshnychenko, M. (E) Shilov, M. (W)	<b>India</b> Mishra, Mr. (G) Kunadi, Ms. (G) Thakkar, Mr. (W)	<b>ABSTENTIONS: 31</b>	<b>Sudan</b> Haidoub, Mr. (G)
<b>Peru</b> Servat Pereira de Sousa, Sr. (G) Guillen Beker, Sr. (G) Lazo Peralta, Sr. (W)	<b>Slovenia</b> Miksa, Mr. (G) Jereb, AAs (G) Serazin, Ms. (E) Krzisnik, Mr. (W)	<b>United Arab Emirates</b> Al Muaini, Mr. (W)	<b>Indonesia</b> Situmorang, Mr. (G) Simanjuntak, Mr. (G)	<b>Bahrain</b> Alshahabi, Mr. (G) Mohamed, Mr. (G)	<b>Syrian Arab Republic</b> Melki, M. (G) Yassin Kassab, M. (G) Hana, M. (E)
<b>Philippines</b> Tan, Mr. (W)	<b>South Africa</b> Lusenga, Ms. (G) Matlhako, Ms. (G) Botha, Mr. (E) Patel, Mr. (W)	<b>United Kingdom</b> Niven, Ms. (G) Warrington, Mr. (G) Lambert, Mr. (E) Brett, Mr. (W)	<b>Japan</b> Sumi, Mr. (G) Haraguchi, Mr. (G)	<b>Colombia</b> Riano Baron, Sra. (G) Reyes Rodriguez, Sr. (G)	<b>Thailand</b> Moongtin, Mr. (G) Futrakul, Mr. (G)
<b>Poland</b> Boruta, Ms. (G) Jakubowski, Mr. (G) Wojcik, Mr. (W)	<b>Spain</b> Lopez-Moms de Cavo, Sr. (G) Cosarnau Guardiola, Sr. (G) Gonzalez Zamora, Sr. (W)	<b>United States</b> Samet, Mr. (G) Polaski, Ms. (G) Potter, Mr. (E) Fishman, Mr. (W)	<b>Malaysia</b> Dato' Zainoi Abidin, Mr. (G) Abu Bakar, Mr. (G) Dr. Mokhzani, Mr. (E)	<b>Egypt</b> Aboulnaga, Ms. (G) Al-Assar, Mr. (G)	<b>United Arab Emirates</b> Al Shihi, Mr. (G) Al Shamisi, Mr. (G) Al Qaizi, Mr. (E)
<b>Portugal</b> Ribeiro Lopes, M. (G) Barcia, M. (G) Da Rocha Novo, M. (E) Hugo Sequeira, M. (W)	<b>Swaziland</b> Hlophe, Mr. (E) Ncongwane, Mr. (W)	<b>Uruguay</b> Irrazabal, Sr. (G) Fernandez, Sr. (W)	<b>Myanmar</b> Than, Mr. (G) Nyunt, Mr. (G) Nyunt, Mr. (E) Barbara, Ms. (W)	<b>Indonesia</b> Djojosumarto, Mr. (E)	<b>Islamic Republic of Iran</b> Ali-Hosseini, Mr. (G) Hefdahtan, Mr. (G)
<b>Qatar</b> Al-Ridi Fakrou, Mr. (W)	<b>Sweden</b> Jonzon, Mr. (G) Wiklund, Ms. (G) Wallsten, Ms. (E) Edstrom, Mr. (W)	<b>Venezuela</b> Molina, Sr. (G) Michelena, Sr. (G) De Arbeloa, Sr. (E)	<b>Pakistan</b> Janjua, Ms. (G) Akram, Mr. (G)	<b>Kuwait</b> Al Me'dhadi, Mr. (G)	<b>Morocco</b> Benjelloun-Touimi, M. (G) Tadili, M. (G)
<b>Republic of Korea</b> Park, Mr. (W)		<b>Zambia</b> Tembo, Mr. (W)	<b>Philippines</b> Baldoz, Ms. (G) Lepatan, Mr. (G)		
		<b>Zimbabwe</b> Zindoga, Mr. (W)	<b>Singapore</b> Tan, Mr. (G) Low, Ms. (G)		

## BURMA AROUND THE WORLD



**NEW YORK** — On May 27 the Committee for the Revival of Burmese Literature held a Literature Talk at Hunter College. The well-known literary artists U Tin Moe, poet; U Thaug, journalist; U Win Pe, film director and writer; and U Win Tun, cartoonist, discussed the state of Burmese literature.

The New York Roundtable holds periodic meetings of organizations and individuals interested in Burma. For more information contact the Burma UN Service Office by phone: (212) 338-0048 or fax: (212) 338-0049.

**WASHINGTON, DC** — The National Endowment for Democracy (NED) and the Embassy of the Czech Republic held a panel discussion on May 15 titled, "Is there a statute of limitations on democratic elections? The case of Burma." Dr. Thaug Htun of the UN Service Office of NCGUB provided introductory remarks and the panel included Alexandr Vondra, Ambassador of the Czech Republic to the US; Phillip Fishman, Assistant Director of the International Affairs Department of AFL-CIO; Eric Schwartz, Senior Director for Multilateral and Humanitarian Affairs of the National Security Council; and H.E. Asda Jayanama, Ambassador of Thailand to the UN.

On March 10, Dr. Chris Beyrer of Johns Hopkins School of Public Health gave a breakfast briefing on Capitol Hill entitled, "The Heroin Trail: The Spread of HIV in South and Southeast Asia." Dr. Beyrer's recent work correlated outbreaks of injection drug use and HIV throughout Southeast Asia with overland heroin trafficking routes originating in Burma and Laos.

The Washington Roundtable is co-sponsored by Human Rights Watch/Asia, Jesuit Refugee Service, U.S. Committee for Refugees, and Refugees International. For more information contact Refugees International by phone: (202) 828-0110 or fax: (202) 828-0819.

**LOS ANGELES** — In May, the Burma Forum of Los Angeles was dedicated to action around the annual Unocal Shareholder meeting in Brea, California. Facing pressure from diverse groups and individuals, over 16% of the shareholders voted for a resolution highlighting Unocal's involvement in Burma.

The Burma Forum of Los Angeles meets on the first Wednesday of every month to discuss various ongoing campaigns. Contact Heidi Quante by phone: (323) 653-4571 or email: bfla@freeburma.org.

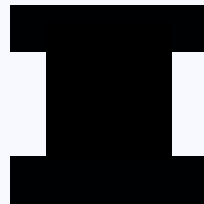
**SEATTLE** — The Southeast Asia Center at the University of Washington hosted a roundtable discussion, "Burma: Military Rule and Civil Society" on April 17. Panelists were Mary Callahan of the Jackson School of International Studies; Larry Dohrs of Free Burma Coalition; Gavin Douglas, Ethnomusicologist; Christina Fink and Jennifer Leehey, Anthropologists; and Edith Mirante, founder of Project Maje.

The Burma Interest Group is a non-partisan forum attended by representatives of NGOs, business, academia, and other interested parties that meets monthly to discuss Burma-

related topics. For more information contact Larry Dohrs by phone: (206) 784-5742 or fax: (206) 784-8150.

**PORTLAND** — Portland State University (PSU) hosted a "Night in Burma" on June 22 featuring Burmese cuisine and a musical performance. Burmese refugees and human rights workers provided an overview of the current humanitarian crisis in Burma and premiered a videotaped interview with Aung San Suu Kyi. The Portland Burmese Community, the Burma Action Committee, and the PSU Women's Studies Department sponsored the event.

For more information about the Burma Action Committee and its meetings, contact Jensine Larsen by phone: (503) 239-7726 or email: jensine@hevanet.com.



**CANADA** — The Toronto Burma Roundtable meets monthly to discuss issues relating to Burma and plan educational and political events. For more information contact Elizabeth Shepherd by phone: (416) 465-3458 or email: mandalay@sprint.ca.



**LONDON** — Aung San Suu Kyi's 55<sup>th</sup> birthday, June 18, was celebrated in London with a gala entertainment evening at the Royal Court Theater. Attendees included actors Alan Rickman and Ewan McGregor. A variety of prominent celebrities, politicians, and business people sent birthday messages. The Burma Campaign UK organized the event. For more information about The Burma Campaign UK contact by phone: 44-171-281-7377, fax: 44-171-272-3559, or email: bagp@gn.apc.org.

Julie Sell and Rachel Goldwyn spoke on May 5 at the School of Oriental and African Studies. Julie Sell is the author of *Whispers at the Pagoda: Portraits of Modern Burma*, and recounted her interviews with Burmese and her travels in Burma. Rachel Goldwyn spent three months in Insein Jail, Rangoon following her arrest for making a pro-democracy protest last summer.

Britain-Burma Society meets seven times per year, with an interest in cultural, historical, and academic exchange. For more information contact Derek Brooke-Wavell by phone: 44-118-947-6874, fax: 44-118-954-6201, or e-mail: d.wavell@dm.ntl.com.



**NETHERLANDS** — The Netherlands Burma Roundtable is held once every two months with the goal of updating organizations and individuals on current events and activities surrounding Burma. For more information contact The Burma Centre Netherlands by phone: 31-20-

671 69 52 or by fax: 31-20-671-35-13.



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## BRIEFINGS AND DEVELOPMENTS

### UN ASSIGNS NEW ENVOY ON BURMA, PASSES HUMAN RIGHTS RESOLUTION

In early April, United Nations Secretary-General Kofi Annan appointed Razali Ismail, a special adviser to Malaysian Prime Minister Mahathir Mohamad, as a new "special envoy" for Burma with a mandate to promote human rights and the restoration of democracy. The appointment of a Malaysian was seen as part of the international community's shift toward employing Burma's neighbors to bring political and economic change. On June 30 Razali arrived for his first visit to Burma. He stayed for five days and met with Aung San Suu Kyi and the Chair and Vice Chair of the National League for Democracy; Lt. Gen. Khin Nyunt and SPDC Foreign Minister Win Aung; and the ambassadors of France and Japan.

In a resolution passed on April 18 the UN Commission on Human Rights strongly censured Burma's government for its "continuing pattern of gross and systematic violations of human rights."

### EUROPEAN UNION TAKES ACTION AGAINST BURMA

On April 11 the European Union (EU) agreed on three new measures strengthening its position against Burma's military dictatorship. They are: a ban on the export of equipment that could be used for internal repression or terrorism, the naming of individuals within the regime to whom a pre-existing visa ban applies, and a freeze on the assets of members and supporters of the regime. This is the EU's first direct financial sanction against Burma. The measures stopped short of banning investment in Burma, but the British government announced that two weeks earlier it had formally urged Premier Oil company, the major British investor in Burma, to withdraw its \$200 million investment in the Yetagun gas project. The Confederation of British Industry criticized the government on behalf of Premier, who has since rejected the request. The French government did not urge the withdrawal of the French oil company TotalFina, which also conducts business in Burma.

### JAPAN CONSIDERS OFFICIAL DEVELOPMENT ASSISTANCE (ODA) TO BURMA

On May 1, Japan announced the 500 million dollar assistance package to Burma. International Trade and International Minister Takashi Fukaya met with Khin Nyunt in Rangoon marking the first time a Japanese cabinet minister has visited since the regime took power in 1988, when Japan discontinued its aid to Burma. The "Obuchi Plan," was first made public by then Prime Minister Keizo Obuchi last November in Manila and represents a softening of Japan's approach to Burma. Japan's aim is for the SPDC to move more quickly toward a market economy. Further assistance from Japan, such as the resumption of yen loans, is tied to progress toward democracy.

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## BUSINESS WATCH

### US SUPREME COURT OVERTURNS MASSACHUSETTS BURMA LAW

The US Supreme Court announced on June 19 its unanimous decision that the Massachusetts Burma Law is preempted by the federal sanctions against Burma. The Massachusetts law was first enacted in 1996 and led to President Clinton's 1997 ban on new investments in the country. In February 2000 the Clinton Administration submitted to the court its opinion that the law should be overturned. June's relatively narrow ruling directly affects only the Massachusetts Burma Law; it did not declare the use of human rights standards for government purchases unconstitutional. However, many local selective purchasing laws are preempted unless Congress expresses intent to allow selective purchasing under the federal sanctions. Many cities and counties who adopted similar selective purchasing laws have begun to seek alternative legislation.

### JAPANESE COMPANIES QUIT BURMA

On May 1, Japanese officials in Rangoon publicized the withdrawal of Toyota Motor and Ajinomoto Corporations operations from Burma. Ajinomoto is Japan's top seasoning manufacturer. Its operations in Burma began in 1997 and became impossible when the government banned the import of certain raw materials, saying they were harmful. Toyota opened a dealership in Rangoon in 1998 when the government had announced that it would allow automobile imports in the near future, but it never implemented that policy. According to embassy officials, many Japanese companies have withdrawn their business from Burma in the past year and among those that remain (approximately 90), frustrations are growing because of: sudden policy changes, slow progress on deregulation, corruption, and foreign sanctions and consumer boycotts in the West. Other international companies who withdrew their investments in Burma recently are Baker Hughes in March, Carlson Holdings and King Koil in May, and Best Western in June.

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## INSIDE WASHINGTON

### CONGRESSIONAL DELEGATION TRAVELS TO REGION

Two senior Congressional staff members visited Thailand in May to look into conditions and the political situation of refugees along the Thai-Burma border. Grover Joseph Rees, Staff Director for the House Subcommittee on International Operations and Human Rights, and Natasha Watson from the staff of Senator Jesse Helms (R-NC) traveled to Karenni refugee camps in Mae Hong Son district. The team met with refugees, camp leaders, representatives of UN agencies and Thai government officials. A June 11 article, which appeared in the English-language daily, *The Bangkok Post*, reported that the US officials had given their approval for the repatriation of Burmese refugees from Thailand. In a "Letter to the Editor," Mr. Rees and Ms. Watson refuted this claim and stated that, while they did express confidence that the refugees would be likely to return voluntarily as soon as it is possible, they also "expressed grave reservations ... about whether safe return will be possible so long as the present military regime remains in power within Burma."

### HUMAN RIGHTS CAUCUS CO-SPONSORS "WOMEN OF BURMA DAY"

The Congressional Human Rights Caucus, in coordination with the Burmese Women's Union and the National Coalition Government of the Union of Burma, held a briefing on June 20 on Capitol Hill to celebrate "Women of Burma Day." The day also marked the 55<sup>th</sup> birthday of democracy leader, Aung San Suu Kyi. Among those addressing the audience was Congressman Tom Lantos. A panel comprised of representatives of numerous Burmese groups discussed topics that included women in conflict, the state of health and education in Burma and in refugee camps and a Burmese women's peace movement.

**PITY ILO!**

By Kappiya Kan Kaung

...The responsible cooperation of Myanmar Government was that it had taken measures in accordance with the Convention 29 which deals with forced labor. Myanmar Government had done so to show its truthfulness and goodwill (toward the ILO) and to be in accord in essence with the aims of the inquiry commission. However—

The report of the [ILO Commission of Inquiry] issued in July 1998 and the suggestions were one-sided and biased. What was worse, they were groundless allegations based on the false reports sent by the anti-Myanmar government elements and remnant armed groups.

A group of neo-colonialist nations and some of their followers forcibly submitted a draft resolution alleging that forced labor was widely practiced in Myanmar; they did so in total disregard of constructive changes taking place in the country. It was an unruly act that was unprecedented in the history of ILO covering a period of nearly 80 years.

Take this into account. Where is justice? Where is the truth and objectiveness? It amounted to political bullying. It was an act of flagrant interference in the internal affairs of Myanmar, and it was disgusting. So, the Myanmar Government decided to put an end to the matter. But it was a black mark for the ILO.

Since the draft resolution was neither just nor relevant, but one-sided, Myanmar categorically rejected it. And it was the resolute decision of the Myanmar government to suspend its participation in the activities under the Conventions No. 29 and No. 87 until the ILO treats its members on the basis of equality and justice, which it should.

It was regrettable... Yes. The prestigious conference of the ILO had been used as a forum for political exploitation by Britain and some of its follower nations. This incident amounted to a total violation of procedures, rules and disciplines and dignity of the international conferences.

As evil consequences, small nations will be suspicious of the stance and dignity of the ILO. Other member nations which have not yet signed the ILO Conventions are now reluctant to sign them thinking that if it would amount to digging one's own grave.

However—

The National League for Democracy, the informer of neo-colonialist embassies, inside the country and new and old expatriates taking refuge in other nations are overjoyed and they are giving an applause, [sic]

White-collar and blue-collar workers in Myanmar will not become foolish due to the ILO restrictions and obstructions. Myanmar is not a nation in isolation. It has common borders with two big nations which are capable of manufacturing goods starting from needles to rockets and nuclear bombs.

Technological development cannot be limited or restricted as in the case of national boundaries. The thought that Myanmar will be relegated because it does not have the right to attend the ILO Conference admits their working methods and concepts are wrong.

The result is that ILO has lost its dignity due to its paying attention to the instigations and applying the ointment at the wrong place, so to speak. So, I pity ILO.

*The above is an excerpt from "Pity" ILO!," which appeared in the state-run The New Light of Myanmar on May 23 and 24, 2000*

**BURMA: FRONTIER PHOTOGRAPHS**

By Elizabeth Dell, John Falconer, David Odo, and Mandy Sadan  
May 2000

Jennifer Wright  
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Merrell Publishers  
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These photographs, published as a collection for the first time, provide a valuable and enticing view of little-known Burma in the 1920s, when foreign powers had a profound impact on its peoples and territories. Ranging from spectacular landscapes to intimate portraits, the photographs were taken to document John Green's anthropological and military work among the Kachin, Shan, Chin, and Karen people. The photographs are accompanied by contemporary oral histories.

**THE WHITE UMBRELLA**

By Patricia Elliott  
Prologue by Bertil Lintner  
1999

Post Books ([www.bangkokpost.net/postbooks/list3.html](http://www.bangkokpost.net/postbooks/list3.html))

A tale of modern Burma told through the life story of Sao Hearn Hkam, a Shan princess. On its surface, the story of this former First Lady of Burma, member of Parliament, founder of the Shan State Army, and refugee, is a glamorous mystery of power, heroes, and the opium underworld; but it also conveys the reality of ethnic conflict in the Golden Triangle, bound up in ancient traditions and Cold War ideologies.

**THE 1988 UPRISING IN BURMA**

By Dr. Maung Maung  
1999

Southeast Asia Studies  
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P.O. Box 208206  
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Dr. Maung Maung was a close associate of General Ne Win and was elected president of the Union of Burma on August 18, 1988. From a personal perspective he discusses the failure of the post-1962 government, relating events up through the day of the military takeover on September 18, 1988, when he was removed from office. This is the last book he wrote before his death at age 69 in 1994.

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## MEDIA RESOURCES (CONTINUED)

### BURMESE REFUGEES IN THAILAND AT RISK: PRESS BACKGROUNDER

By Human Rights Watch  
May 2000

Phone: 1-202-612-4321  
Fax: 1-202-612-4333  
Email: [hrwdc@hrw.org](mailto:hrwdc@hrw.org)  
Also available online: <http://www.hrw.org/hrw/press/2000/05/thailand0506.htm>

This "backgrounder" expresses concern over Thailand's implementation of its refugee policy— increasing arrests and some forced returns to Burma. In the leadup to the annual meeting of the Asian Development Bank, Thai authorities increased pressure on Burmese refugees in Chaing Mai. This report discusses problems with group status determination, describes Thailand's "repatriation rhetoric," and concludes with recommendations to the international community, UNHCR, Thai authorities, and the SPDC.

### UNSUNG HEROES: THE WOMEN OF MYANMAR

By Amnesty International  
May 2000

International Secretariat  
1 Easton Street  
London, WC1X0DW

This report details the human rights violations affecting women's lives in Burma; such as the impact of imprisonment for political activity, and the fact that poor health and economic conditions force women to seek work in neighboring countries, where they are vulnerable to new abuses.

### CONFLICT AND DISPLACEMENT IN KARENNI: THE NEED FOR CONSIDERED RESPONSES

By Vicky Bamforth, Steven Lanjouw, and Graham Mortimer  
May 2000

Burma Ethnic Research Group  
Chiang Mai, Thailand  
Email: [burmaresearch@hotmail.com](mailto:burmaresearch@hotmail.com)

Following their 1998 report on internally displaced Karen, Burma Ethnic Research Group now turns to Karenni State. Based on substantial quantitative research, the report highlights the complexity of the humanitarian concerns and the shortcomings of the mechanisms currently used to provide assistance to the internally displaced; such as politically-motivated inequalities in the distribution of aid, and the fact that assistance takes place in the uncertain environment of cease-fire agreements. The report concludes with a challenge: to "de-link the delivery of humanitarian aid, locating it away from warring parties in a way that... works with all groups."

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## VOICES OF BURMA

### FEDERATION OF TRADE UNIONS-BURMA (FTUB) ON THE JUNTA'S ACCEPTANCE OF THE ILO MISSION ON FORCED LABOR

May 13, 2000

Burma is a country that has ratified the ILO Convention (29) on Forced Labour and yet the regime has violated the Convention. Despite the year-by-year consistent resolutions on Burma at the International Labour Conference (ILC) to respect the workers' rights and the Convention on Forced Labor, the successive regimes have disrespected and ignored them for nearly 40 years.

We have to clarify that Burma as a country and the people have no outstanding issues with the ILO. It is the continued forced labor, violations of trade union rights and basic human rights by the junta that are being addressed by the ILO, a forum where the workers have an equal chance with the governments and the employers.

The Commission of Inquiry on Forced Labor in Burma had asked for a trip to Burma since 1998 and was denied permission. The junta also refused to come to the hearings in Geneva. After denying the Commission of Inquiry on Forced Labor to visit Burma for two years, now that the country is on the brink of having a major action taken against them at the ILC, the junta has made a step to evade the possible actions and called out that the Commission of Inquiry can come into Burma.

... It is very unwise for the ASEAN Labor Ministers to have allowed themselves to be pulled into the deception of the Burma junta by asking the ILO to have a trip between now [the 12th of May] and before the ILC starts [the 28th of May] a period of ten working days and expect the "issue between ILO and Myanmar" to be solved.

The ASEAN labor ministers also must insist to the junta that acceptance of the ILO mission is not the end to the solution but that the junta needs to comply with the ILO Convention on forced labor.

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## ETHNIC VIEWS

### A LAHU REFUGEE FAMILY'S STORY

We were from southern Shan State. In our village we were farmers and owned land. But the Burmese began selling land to the Wa. On February 9, 2000 our land was taken. We left their village because of the demands for portering. If you refuse you are beaten up. Our daughter's husband never came back from a portering trip in February. Seventy villagers (13 families) left Burma on March 9, 2000. We began arriving here in early April.

**Daughter's story.** They took me while I was working on the farm. I carried back-packs and went wherever they were going. We were not fed enough and we were hit and beaten. After 13 days I snuck away with three or four other women. When I returned our family's land was gone.

**Mother's story.** I was at the entrance of the village on my way back from the farm in the evening when they took me. I carried bags. They gave me little food and scolded me but did not hit me. There were four or five other women as well. After five days they let me go.

**Father's story.** In December 1999 I was a porter for one month. I carried backpacks with full mortar shells. I served as a translator of Akha and Shan, so I was not beaten. They let me go. They came for me a second time and I did not want to go, but they punched me hard in the chest so I had to go. Now I cough and have painful breathing in my chest.

*From an interview conducted during the month of May, 2000 along the Thai-Burma border by Refugees International.*



*Burma Debate* is a publication of The Burma Project of the Open Society Institute.

Mary Pack, *Editor*

THE OPEN SOCIETY INSTITUTE (OSI) was established in December of 1993 to promote the development of open societies around the world. Toward this goal, the institute engages in a number of regional and country-specific projects relating to education, media, legal reform and human rights. In addition, OSI undertakes advocacy projects aimed at encouraging debate and disseminating information on a range of issues which are insufficiently explored in the public realm. OSI funds projects that promote the exploration of novel approaches to domestic and international problems.

The Burma Project initiates, supports and administers a wide range of programs and activities. Priority is given to programs that promote the well-being and progress of all the people of Burma regardless of race, ethnic background, age or gender.



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