

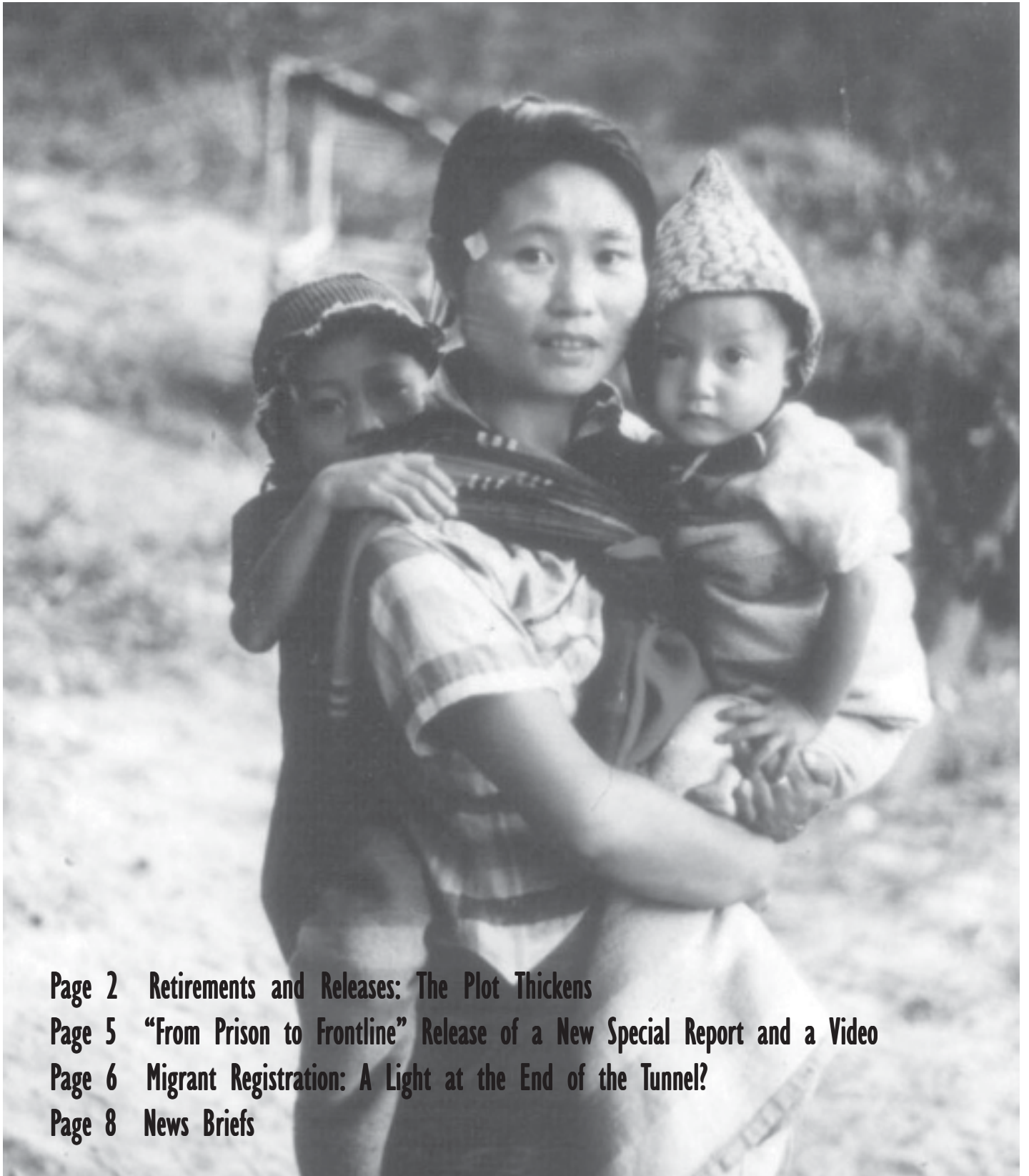


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RETIREMENTS AND RELEASES: THE PLOT THICKENS

By S. DOHERTY

It's certainly been an eventful few months in Rangoon. A major government shakeup preceded the release of thousands of prisoners from jails around Burma. What does the new government lineup mean for the prospects of national reconciliation and democratic reform? Could the unexpected release of some 10,000 prisoners signify a genuine change of policy by the generals?

The changes in personnel began on September 18, when Foreign Minister Win Aung was removed. He was swiftly joined by his own deputy, Khin Maung, and the ministers for transport and agriculture. Win Aung had been an experienced diplomat, serving as Ambassador to the United Kingdom prior to his appointment as foreign minister. His replacement, Major General Nyan Win, is a military man through and through. Alarm bells immediately began to ring among Burma watchers.

The junta continued to ring the changes a month later when Prime Minister Khin Nyunt was also kindly "permitted to retire", allegedly for "health reasons". It was announced soon afterwards that serious actions were to be taken against the ousted PM based on allegations of "disobedience, corruption and bribery". His replacement, Lieutenant General Soe Win, had previously been best known for masterminding the attack on Aung San Suu Kyi and her supporters at Depayin in May 2003. He is a close ally of Than Shwe.

The new line-up appears to herald an even harder-line regime in Burma. Senior General Soe Win is still top dog and, along with his second-in-command, Deputy Senior General Maung Aye, is all that remains of the junta that took power in 1988. Although not a saint by any means, Khin Nyunt had often been described as a pragmatist or a moderate, in relative terms at least. He appeared to be more willing than Soe Win or Maung Aye to bring insurgent groups into the mainstream. It may have been this, allied with the fact that his position as chief of military intelligence frequently brought him into conflict with Than Shwe, that led to his downfall. It has been public knowledge for some time that there was no love lost between Khin Nyunt and Maung Aye. His removal means a consolidation of the position of the big two in the junta, Soe Win and Maung Aye.

Where does all this leave the prospects for national reconciliation? Although frequently associated with Khin Nyunt, the democracy roadmap was actually the brainchild of Than Shwe himself, who allegedly sees it as his only viable way out of the current political deadlock. As such it looks set to continue. According to a recent announcement by senior junta official Lieutenant General Thein Sein, the constitution-setting National Convention is now scheduled to resume in February.

However, should the opposition National League for Democracy (NLD) continue to boycott the talks, the supposedly participatory and inclusive Convention will continue to be little more than a farce. An NLD spokesman said on December 1, that party leader Aung San Suu Kyi has had her period of house arrest extended by another year. It seems most unlikely that the appointment of Soe Win, the engineer of the attack on Suu Kyi and her supporters at Depayin in 2003, as Prime Minister, will hasten her return to the political fold. So the junta looks set to press ahead with its deeply flawed roadmap and convention.

Khin Nyunt's removal immediately raised doubts about the future of ceasefire agreements concluded between him and a number of ethnic insurgent groups, with NGOs and Thai authorities along the border bracing themselves for an inflow of refugees triggered by renewed fighting. However, new Prime Minister Soe Win and Secretary-1 Lieutenant General Thein Sein, who chairs the National Convention Convening Committee, were quick to reassure ceasefire leaders that the agreements were still in place. Meetings are planned with all the main groups, and talks with the Karen National Union (KNU) are scheduled to resume early next year. Of concern is the fact that, with Khin Nyunt out of the picture, junta vice chairman Maung Aye now faces less opposition in Rangoon. His past hostilities towards ethnic minorities are no secret, and some analysts have expressed concern that he could reignite conflict between central government and the ceasefire groups. Full-scale conflict would be undesirable for the junta, but preserving an element of instability allows the military to justify the necessity of its own rule. As such, it appears likely that at least a "limited civil war" will continue in Burma.

To continued on p 4

WHO'S WHO IN RANGOON? WILL THE REAL JUNTA PLEASE STAND UP

1. Senior General Than Shwe

As the Chairman of the SPDC and the Commander-in-Chief of the Armed Forces, Than Shwe has headed the junta since 1992. After a period working in the Burmese postal service, he joined the army's Officer Training School at 20, where he became an expert in psychological warfare. Following the bloody demonstrations in 1988, Than Shwe was made Vice Chairman of the then ruling State Law and Order Restoration Council (SLORC). He was promoted to general in 1990. Although initially seen as more relaxed than his predecessor, General Saw Maung, he has shown himself to be very much a hard-line leader, brutally suppressing all dissent in the country, and strongly resisting any political role for opposition leader Aung San Suu Kyi. He planned the first National Convention to draft a new constitution, which first met in 1993, and reportedly sees the current convention as his only exit from the current political deadlock. Interestingly, in a recent meeting with an Asian ambassador, Than Shwe allegedly said he wanted to see the end of military rule in Burma.



2. Deputy Senior-General Maung Aye

Maung Aye is the second most powerful man in the country. Another career soldier, he served as a regional commander in Shan State in the late seventies and early eighties, where he is believed to have forged strong ties with a number of Golden Triangle drug lords and businessmen. He joined the military leadership in 1993. He is currently Army Chief and Deputy Chairman of the SPDC. He has a reputation for ruthlessness and xenophobia, and has been particularly hostile towards the Kachin and Karen ethnic groups. He is tipped by many as Than Shwe's successor, and was believed to have disliked ex-Prime Minister Khin Nyunt. Army sources have said that Maung Aye wants to keep the army clear of politics.

3. General Thura Shwe Mann

Defense services Chief of Staff, and a member of the junta since 2000, Shwe Mann is seen as a loyal military servant, commanding the trust of senior and junior officers in the armed forces. In 2002, he was assigned to the newly created position of 'Tatmadaw Nyi Hnying Kutkae Yay Hmu' which authorized him to supervise the Army, Navy and Air Force Commanders, the Commanders of the four Bureaus of Special Operations, and the Commander of the Rangoon Command. In 2003, he was promoted to General. Some say that he has been groomed to replace Than Shwe as Commander in Chief of the SPDC.

4. Lieutenant-General Soe Win

Prior to his appointment as Prime Minister in October, Soe Win was best known for his leading role in the brutal crackdown on democracy protesters in 1988. Served a number of positions in the army and was made Regional Commander and a member of the junta in 1997. He has a close relationship with junta chairman Than Shwe and was reported to have masterminded the attack on Aung San Suu Kyi and her supporters in Depayin in May 2003, which preceded her current period of house arrest. He has been quoted as saying that "the SPDC not only will not talk to the NLD but also would never handover power to the NLD."



5. Lieutenant-General Thein Sein

Recently appointed Secretary-1 of the junta, Thein Sein heads up the National Convention Convening Committee. Previously held the important position of Commander of the Triangle Regional Command, dealing with local drug lords and Thai authorities. He is regarded as one of Than Shwe's strongest supporters and has been a member of the junta since 1997.

Photos:

Top: Irrawaddy

Middle: AFP

Bottom: Dominic Faulder

To continued from p2

A variety of positions were taken by the international community in response to the purge. The US, arguably the junta's staunchest critic, immediately expressed concern about the involvement of new Prime Minister Soe Win in the attack on Aung San Suu Kyi and her convoy in 2003. Of more interest to Than Shwe however, would have been the reactions from Burma's Southeast Asian neighbors. The approach of the ASEAN bloc towards internal matters in member states has long been one of non-interference, and it was followed once again at November's summit in Laos. However, there is increasing evidence that the tide is turning somewhat.

It would appear that other member states are growing frustrated with Rangoon's broken promises, and the general lack of reform in the country. It is clear that the situation in Burma is damaging the credibility of the group as a whole. The junta showed remarkable disregard for the bloc in extending the detention of Aung San Suu Kyi just after the conclusion of the Vientiane summit. The following week, Indonesia's foreign ministry spokesman Marty Natalegawa publicly spoke out on the issue, saying that "it is difficult for us to conclude there is consistency between what they say and the reality in Myanmar (Burma)". With soldiers having replaced proven diplomats in the government, it seems likely that international relations will prove to be increasingly problematic for the junta.

In light of the more hard-line appearance of the junta, the announcement on November 17 that the some 4,000 prisoners were to be freed from Burma's jails seemed somewhat incongruous. In fact, the total number of releases was finally reported by state media as being 9,248¹. However, while undoubtedly encouraging, a brief consideration of the context of the releases dispels any thoughts of a major change in policy in Rangoon. The announcements came just ahead of the ASEAN summit in Vientiane, with leaders still smarting from the problems that Burma caused for the last ASEAN-EU meeting in Hanoi in October. The time was certainly ripe for a gesture to appease those ASEAN member states unhappy with the lack of progress towards democracy in Burma.

The releases also allowed the junta to further discredit Khin Nyunt. He had managed to convince a number of ASEAN leaders that he was the "cleanest" member of the junta. By claiming that those to be freed had been wrongfully

jailed by Khin Nyunt and his military intelligence office, the generals were no doubt seeking to taint his name, thereby minimizing public sympathy for his plight.

In addition, although the numbers freed were certainly remarkable, it is important to note that there appear to have been less than 40 political prisoners involved, the rest having been mainly petty criminals. Min Ko Naing was the only nationally known politician released. A recent report by Amnesty International estimates that there are over 1,350 political detainees in Burma. The junta clearly has no real desire to deal with this issue. Aung San Suu Kyu remains under house arrest and the authorities in Burma continue to persecute and imprison members of her National League for Democracy².

All in all, it would appear that it is business as usual for the junta. The removal of Khin Nyunt has merely reinforced the dominance of Than Shwe and Maung Aye, and it is clearer than ever that they now hold the true power. It is difficult to see the prisoner releases as anything more than an unsophisticated political ploy to dampen foreign criticism.

It is, however, interesting to note that in a recent meeting with an Asian ambassador, Than Shwe reportedly said that he wanted to see the end of military rule in Burma³. If this is to take place, meaningful dialogue with all opposition groups is required immediately. To speak of a road to democracy while continuing to detain Aung San Suu Kyi and other senior NLD members is patently ridiculous. Frustration is growing with the junta inside ASEAN, and the bloc's policy of non-interference looks increasingly unsustainable. The hard-liners at least now form a more coherent unit in Rangoon. If the generals genuinely want to take steps in the direction of democracy they can now do so without being held back by internal rivalries. Unfortunately for the people of Burma however, that still looks like a very big "if".



Endnotes

1 On December 11. Burmese State Media announced that 5,040 more prisoners are planned to be released bringing the official total to 14,318.

2 By way of example, on Dec 6th, 13 NLD members were arrested in Bogalay, Irrawaddy Division, for organizing a ceremony to celebrate National Day. Four others were arrested in Rangoon on Dec 19th for distributing human rights leaflets.

3 "One Down, Two to Go", by Aung Zaw, *The Irrawaddy*, Thailand, October 2004.

“FROM PRISON TO FRONTLINE”

RELEASE OF A NEW SPECIAL REPORT AND A VIDEO

Burma Issues is glad to announce the release of a new Special Report and Video both entitled “From Prison to Frontline: Portering for SPDC troops during the Offensive in Eastern Karen state, Burma, September-October 2003.”

Planned to be released in July, we were obliged to delay the distribution of the report and video for few months but they are now available.

You can order them from the following address:

Burma Issues
1/11 Soi Piphat 2, Convent road
Silom, Bangkok 10500
Thailand

or by contacting us by email at: durham@mozart.inet.co.th

The publication, video and postage are free of charge but any donations would be gratefully appreciated.

Burma Issues began this project in November 2003 as soon as the military offensive was over in Karen State. Our Human Rights Documentation Unit interviewed twenty-two successful escapees who had taken refuge near the Thai-Burma border. Three interviews were shot with a video camera to make the video ‘From Prison to Frontline’, and others were audio-recorded. We dealt with issues such as treatment in prison, the journey to the location of the offensive, treatment at the hands of soldiers, experiences in battle, and landmine-related experiences. We then proceeded to conduct more in-depth research to supplement this invaluable first hand information. We have compiled the analysis and present the results of our findings in this report. The video also allows the porters to express themselves in their own voices. All people in the video had to be rendered unrecognizable, as giving these interviews could endanger their lives.



Injured porter, Thai-burma border, November 2003, FTUB.

The 7th Brigade Offensive, which forms the backdrop for the report, started on July, 2003 when fighting broke out between the Democratic Karen Buddhist Army (DKBA) and the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU). In September 2003, the DKBA asked for military reinforcement from Burmese troops. From then on, the offensive was marked by intensified fighting. In addition to forcing many villagers from their homes, either into the jungle to become Internally Displaced Persons (IDPs) or across the border into refugee camps in Thailand, this offensive led to the much increased prevalence of landmines in Karen state.

During this offensive, eight hundred prisoners were removed from prison and forced to carry equipment and supplies for the military. They were rarely given

adequate food, water, or rest, and were often made to carry out heavy manual tasks in addition to their portering duties. They were as, or more, endangered than the soldiers for whom they served, and placed in positions which rendered them vulnerable to artillery fire, opposition forces and particularly to landmines.

The accounts of these porters serve to highlight a planned, premeditated campaign, by the Burmese military, to exploit prisoners as porters throughout the offensive. The only consistency seems to have been the methods of exploitation:

- All were forced to carry extremely heavy loads (on average, over forty kilograms per porter) for long periods with little or no rest and minimal food and water
- All were mistreated in similar ways, suffering abuse and intimidation at the hands of the Burmese troops. Almost all were punched,

kicked, beaten, or tortured by soldiers at some point during their time as porters

Forced portering, whether it is carried out on prisoners or on anyone else, constitutes a form of forced labour under international law (International Labour Organisation Convention No. 29). Such forced labour is also banned by Burmese law (Order No. 1/99). In planning the role of forced porters in this offensive, the SPDC broke international conventions as well as laws proclaimed by their own government.

The offensive ended in November 2003. SPDC troops did not achieve their primary military objectives, but were able to take control over some areas where intense logging and forced labour is now taking place under DKBA and SPDC supervision.

MIGRANT REGISTRATION: THE LIGHT AT THE END OF THE TUNNEL? By SANTIPAP

Despite the constantly changing relationships between the governments of Burma, Laos, Cambodia and Thailand, the latter is seen as the land of opportunity, with its prosperous economy and high employment rate. Earlier this year it was conservatively estimated that there were 2 million illegal migrant workers in the Kingdom. In an effort to control and monitor the number of migrant workers the Thai government implemented an initiative where people already working illegally in the Kingdom could register with the Labour Ministry without being prosecuted. However, during this most recent registration process, a number of issues arose. Migrant workers had to decide whether to trust a foreign government and register, or continue to work illegally and face deportation if caught.

The Royal Thai government did not limit the number of migrant workers who could register. The process began in July 2004, where for the whole month; people could register and ask for a one-year work permit. After registering migrant workers can only be employed as domestic help or labourers. While the Thai government has had previous migrant registrations, this has been the first time where not only can the workers register, but also three dependents. Thus, during this amnesty period 1,284,920 people registered with the Labour Ministry as migrant workers¹. Of those more than 80 per cent were from Burma.

But like everywhere in the world the route necessary to work legally in another country is long and complicated. The four-part steps (outlined

in the box) initially involved identification, health checks, employer registration and the issuing of work permits. As problems arose, the Thai government tried to implement new measures to ensure the registration process continued as smoothly as possible. One change was extending the registration and identification period from one month to three (finishing sometime in September), and the other was to remove the requirement for employer cooperation during the process.

Indeed, one problem with the registration was the lack of information available to migrant workers, employers and migrant worker non-government organizations (NGOs). Changes in the registration process were not publicized in migrant communities. People did not know that they could continue to register past the July 31st deadline. They also did not know that if their employer had refused to participate in the registration, they could still proceed with the application. This lack of information means that migrant workers who may have registered did not because they were unaware that the option was still available.

But even migrant workers who knew about the changes were not guaranteed the opportunity to register. Because of a mix-up in the extended amnesty period, unregistered migrant workers were deported during that time. On the Queen of Thailand's birthday, August 12th, the Immigration Bureau deported 571 unregistered migrant workers². This deportation outlined one of the discrepancies between the registration policy and its proper implementation.

Another inconsistency in the policy was the impossibility for refugees to register as migrant workers. If they applied, both their refugee status and migrant registration would be revoked and they would face deportation³. However, long-neck Karen refugees were able to register as migrant workers, because allegedly they are not refugees from Burma, but high-plains residents⁴. Yet, the village near Mae Hong Son where the long-neck Karen currently live was a refugee camp. The camp housed refugees from two ethnic groups, Karenni and the long-neck Karen. But, in 2002, the Karenni people were relocated to another camp closer to the Thai-Burma border, and further away from the town. The original site, which still houses the long-neck Karen, was opened for tourists and generates lot of dollars today. When one group of refugees can be registered, while another cannot, it is discrimination and it highlights an inequality in the current

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migrant worker registration policy.

However the main concern was how the Thai government would use the personal information it had collected. Migrant workers were required to provide Thai officials with personal details and proof of identification. Those from Burma were concerned that their information would be passed to the Burmese government – potentially endangering their families still living inside Burma. These people are fearful of their government and other governments who share a close political relationship, such as the one currently enjoyed by Thailand and Burma. As a result of this relationship, people often chose not to register because they were afraid of the consequences.

In addition to these issues, there were restrictions placed on migrant worker that were never publicized before registration. Consequently workers were not fully informed of their options and the repercussions of their choices. Following registration, workers are restricted to the area that they are registered in – they can not travel freely throughout the Kingdom. Along the border areas in Thailand there are a number of military check points where people's identifications are verified before they can leave these areas.

To pass through the check points migrant workers require travel documents granted by the district officials. These documents are only granted in extraordinary circumstances, and the procedure to obtain such documents is time-consuming and complex⁵. While migrant workers have travel restrictions imposed on them, foreigners registered to work in the Thailand do not have such limitations.

Another disparity between the migrant workers registration and that of other foreigners working was the compulsory medical checks. For a Caucasian female undergoing the medical check-up required to obtain a work permit in Bangkok, the doctor only asked verbally whether she had elephantiasis, leprosy, tuberculosis or mental illness. Never was she asked to take a pregnancy or a HIV/Aids test. But migrant workers were made to take these tests, along with ones for the aforementioned diseases, as well as malaria and syphilis. And the 9076 workers who were tested positive for one or more of these diseases are now facing possible deportation. But the most shocking announcement was the decision by the Alien

Labour Committee to repatriate 9383 pregnant women who were registering. Human rights groups, including the National Human Rights Commission, have condemned the decision, labeling it as discriminatory and unconstitutional.

Albeit, once migrant workers have completed the registration process, there are still issues that need to be dealt with. It is unclear as to whether the employment rights of migrant workers will be the same as Thai citizens. Also, no one knows if migrant workers will have the same avenues to ensure that their rights are protected as Thais. Already there are claims that registered migrant workers are being forced to work over-time for pay that is well below the minimum standard⁶. These issues have already been raised by NGOs working on migrant worker rights, but they also need to be addressed by the Thai government.

No nation has a perfect migrant workers registration procedure – they are all time-consuming, confusing and exasperating. However, there must be consistency and equality within the registration policies. The Thai government needs to address the discrimination issues relating to migrant registration. But migrant workers must decide whether or not to register. They have

to weigh up their options and choose: either register and possibly have their personal information shared with other governments which could harm their families inside Burma, Laos and Cambodia, or to remain an illegal migrant worker, facing exploitation, deportation if caught, but ensuring that their loved ones remain safe. While registered workers have more security and stability within the Kingdom than their unregistered counterparts, it is a choice that only a migrant worker can make. And while not everyone can respect their decision, they should try to understand it.



Endnotes

- 1 "Pregnant alien workers to be repatriated", *Bangkok Post*, December 14, 2004
- 2 "Deportation for 571 illegal workers", *TNA*, August 13, 2004
- 3 CCSDPT Meeting, Bangkok, Thailand, November 10, 2004
- 4 "Long-neck Karens register as immigrant workers", *Thai News Service*, Thailand, August 13, 2004
- 5 Information from the Thai Action Committee for Democracy in Burma, Thailand, December 23, 2004.
- 6 "Migrants working overtime since registration", *The Irrawaddy*, Thailand, August 17, 2004

STEPS FOR MIGRANT REGISTRATION

1. Migrant worker must report to the village or district leader and provide personal information. They receive a temporary identification papers and registration documents.
2. Employer informs the labour department of how many migrant workers they want to employ. This is called a quota
3. Migrant workers under go health checks (600 Baht) and purchase health insurance (1300 Baht)
4. Migrant workers must report to the labour department with their identification papers, health check, medical insurance, registration documents and their employers' quota. They are then issued with a work permit (1800 Baht for a year)

news briefs

Asia earthquake killed 90 in

Burma: At least 90 people were killed as tidal waves struck Burma's southern coastal and delta regions after the earthquake on December 26 and the death toll is expected to increase. The casualties were heaviest in Irrawaddy division in Burma's vast delta region, according to the UNICEF emergency situation report. UNICEF said it was concerned about communities in Tenasserim Division, those on small islands off the coast of Arakan State and those on the Coco Islands.

Karen Ceasefire talks to con-

tinue: Ethnic Karen rebels said they expect peace negotiations with Burma's military government to resume early next year, after the last round of talks was interrupted by a change in the junta's leadership. A negotiating team from the Karen National Union (KNU) was en-route to the Burmese capital Rangoon when the Prime Minister, Gen Khin Nyunt, was ousted on October 19.

Burma could get EU weapons:

If the European Union's arms ban on China is lifted, it is feared that European weapons could be used to suppress opposition groups in Burma. The arms embargo, which critics say is outdated, is expected to be discussed at an EU-China summit in the Netherlands. The EU's Dutch presidency has said it expects to send a "positive" signal to Beijing. However, European weapons could end up in the hands of the North Korean, Burma or Sudanese armies, who are privileged recipients of Chinese arms.

Suu Kyi's imprisonment "reason-

able": Thaksin: While leaders of other ASEAN member countries have been calling on Burma's junta to release Aung San Suu Kyi, Thailand's Prime Minister Thaksin Shinawatra has said their reasons for keeping the democracy icon under house arrest are reasonable. He said that the ruling generals were concerned with the political instability Suu Kyi's release would cause,

potentially leading the country to break up. ASEAN members such as Malaysia and Indonesia, after patiently backing Burma's ruling generals for years, have recently expressed frustration at the failure to make appreciable progress toward restoring democracy there.

Repatriation for pregnant mi-

grant workers: Thailand's Alien Labour Management Committee decided to repatriate more than 9,000 pregnant workers from Burma, Laos and Cambodia despite calls from the National Human Rights Commission to respect their human dignity, rights and freedom. A total of 691,712 Burmese, Lao and Cambodian workers, or 54.92% of the 1,284,920 who registered for employment, have received health check-ups. The report said 5,399 had tuberculosis, 3,092 syphilis, 375 worms, 273 malaria, 202 elephantiasis and eight leprosy. The committee also wanted these sick workers to be repatriated.

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