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Towards Political Solution to the Burma's Refugee Problem

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by

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Among the greatest lessons of this period is the importance of political initiatives in resolving the causes of refugee problems and the link between refugees and international peace and stability. While humanitarian assistance can make an important contribution to reducing tensions and promoting reconciliation, it cannot be a substitute for political solutions. Furthermore, it has become even more apparent that humanitarian aid must be linked more effectively to longer-term development in a way that addresses the root causes of recurrent emergencies. (Para 2. Report of U.N. High Commissioner for Refugees, A/48/12, 1994)

A longstanding refugee problem, along with the protracted political crisis, has been developing in Burma (Myanmar) from the time ruling military junta, the State Law and Order Restoration Council (SLORC), came into power in 1988. A total of 95,000 Karen refugees are living in camps at Thai-Burmese border, where the refugees face constant attack by renegade Karen armed faction backed by government troops. As the economic desperation and political repression inside Burma increased, new influx of displaced people flow into neighbouring Thailand, Bangladesh and India. An estimated 600,000 displaced people, mainly from Burma's rural and ethnic minority areas, entering Thailand searching for work.

In areas where the ethnic minority rebels are active, the Burmese army continue to use *four-cuts strategy* as effective counter-insurgency measures. As a result, the forcible relocation of local population have occurred. These large scale relocations of population in many part of Burma have threatened to generate further outflows of refugees and displaced persons.

As Burma's central administration continue to lose its grip on power, patterns of lawlessness and corruption have emerged at the different level of military authorities. The regional military administrations as well as the individual members of armed forces are reported to be engaged in lawless activities. Regional administrations are reportedly engaging in *arbitrary taxation*, as a form of extortion, in a wide scale. In remote rural areas, the government troops continue to commit looting and pillage, and abuse the ethnic minorities. The government's use of forced labour and forcible procurement of rice on many part of Burma has deepen poverty and economic insecurity of the rural population.

In Burma's remote eastern Shan State, where the military completed ceasefire agreements with rebels in earlier years, opium production has dramatically increased and bring Burma to become the largest opium poppy producer on the world. Burmese army rank-and-file reportedly involved in opium production; where top military brass engaged in drug money-laundering. Disturbing report of the spread of Drug and Aids within and across Burma's border were also received.

Burma's political situation has sharply deteriorated in last 12 months. The military junta continue to apply the State Emergency Laws to suppress the opposition. The members of opposition movement are subjected to threat and intimidation; many already have been sentenced to long terms imprisonments. As has been in the past eight years in the power, the military authorities arbitrarily interpret and randomly apply the laws in order to suppress opposition.

Large-scale and protracted refugee problem in neighbouring countries; continuing political instability and human rights abuse against Burmese citizens, and increasing production and distribution to the world of opium poppy indicate that the situation in Burma

is a threat to regional and international peace and security. Concrete steps must be taken by the international community as a measure to remove the threat.

An integrated approach which links humanitarian action with protection of human rights is needed to tackle the Burma's refugee and displaced people problem. The international humanitarian action should be formulated within the framework of Peacemaking and peace-keeping; and linked with longer term institution buildings. Political and human rights problems must be addressed in a comprehensive manner and tackled in integrated fashion by all actors concerned (national political forces, the United Nations and international community). Following is the outline of strategy to approach Burma's problem from all fronts.

1. Political Developments

§1.1 Dialogue with the National League for Democracy

Initially, there had been some optimism within the international community when Daw Aung San Suu Kyi, the General Secretary of the National League for Democracy, was released on 10 July 1995. Analysts, nevertheless, are puzzled at what had been the SLORC's real intention in releasing her ^{1 2}. At that time, in addition to growing international pressure and persuasions to release Daw Aung San Suu Kyi, there appears to be SLORC mis-calculation about the Burmese people's aspiration to establish democracy. SLORC seems to think the National League for Democracy is weak enough and that it may be able to marginalize Daw Aung San Suu Kyi effectively.

Since her release, Daw Aung San Suu Kyi continues to call for dialogue with military authorities. At the same time party building works has been carry out to revive the National League for Democracy (NLD). Within few months after her release, the NLD appears to have been reconsolidated.

On 28 November 1995, the NLD withdrew its participation from the National Convention. SLORC press continue to attack Daw Aung San Suu Kyi and the National League for Democracy since early 1996. The political situation sharply deteriorated in May when SLORC detained 238 members of NLD and parliament elected to prevent the NLD conference held on 26-29 May. In addition to mass arrests, SLORC issued order No. 5/96, threatening to imprison anyone who engaged in opposition activities and to ban the opposition parties ³. It was clear that the SLORC feel threatened by the growing strength of NLD and therefore making such a drastic move. These arrest and recent sentencing of NLD workers clearly indicate that the SLORC has no intention to negotiate with National League for Democracy.

The international community's efforts to persuade the military to enter negotiation with NLD has not been successful. The Australia's offer to mediate the conflict in Burma in December 1995 has not been accepted by the SLORC ⁴. Serious diplomatic representation was made to SLORC foreign minister by U.S. Secretary of State at the July-1996 Asean Regional Forum in Jakarta ⁵. Recent ASEAN initiatives to use quiet diplomacy also doesn't seem to produce the result ⁶. Therefore, alternative measures to improve the political situation are necessary.

¹Human Rights Watch/Asia, *"Burma: Entrenchment or Reform?"*, Vol.7, No.10. July 1995.

²Mary P Callahan, *"Burma in 1995: Looking Beyond the Release of Aung San Suu Kyi"*, Asian Survey, Vol. XXXVI. No.2, February 1996.

³Amnesty International, *"Myanmar: Renewed repression"*, AI Index: ASA 16/30/96, 10 July 1996.

⁴In December 1995, the Australian Deputy Opposition Leader visit Burma. The SLORC do not accept the Australian Government's mediation efforts.

⁵Far Eastern Economic Review, *'Round One To Rangoon'*, August 1, 1996.

⁶SLORC was invited to Malaysia on 12 August 1996. However, there has not been any concession from SLORC. Reuter also report that Japanese mediators has been trying to broker peace in early September. However, there are no results so far.

§1.2 Cease-fire: Reconciliation with ethnic nationalities

Todate, SLORC has successfully negotiated cease-fire agreements with 15-armed ethnic rebels. These cease-fire pacts are agreed on individual basis with SLORC's promise for developments^{7 8}. The SLORC's primary objective in securing cease-fire agreements with various armed rebel groups, as with its intention for convening National Convention, can be seen as the attempt to maintain current military's status quo. Regional development assistance were promised to the rebels; however no arrangements has been made to settle the political problems that generate armed conflict in the first place.

SLORC signed its first cease-fire pact with Wa ethnic rebels in 1989. In April 1989, the Communist Party of Burma (CPB) rank and file mutinies against the Burman Moist leaders, forming four splintered armed factions along the ethnic line⁹. SLORC has capitalized the situation in eastern Shan State and made ceasefire deals with the Wa ethnic rebels.

The ceasefire with Wa ethnic rebels in 1989 proven to be a timely move for SLORC. At that time, the political opposition within the country and abroad was growing; the National Democratic Front (NDF), umbrella organization of the ethnic minorities rebels, and Burman student and political opposition were beginning to consolidate. By signing these cease-fire pacts in Shan State, SLORC had effectively neutralized the possible threat of the splinter ethnic Wa factions may have joined the opposition groups¹⁰.

The ethnic minorities, primarily the members of NDF, have been fighting for a greater autonomy - or some independence - from central Rangoon governments since the time Burma gained her independence in 1948. The ethnic armed resistance movement reached to a new phase when the members of parliament who were elected in May 1990 election had fled to liberated area of Thai-Burmese border. The exile opposition group had declared a parallel government, known as National Coalition Government of Union of Burma (NCGUB), with the support of the rebel umbrella group, Democratic Alliance of Burma (DAB)¹¹. The NCGUB/DAB promised to work towards a future federal union for Burma.

To establish Burma as a federation of states has been a sensitive political issue even since the time that General Ne Win took over power in 1962. There is a perception among older Burmese leaders that the establishment of a federal union may leads to a secession. The Burmese military always claimed itself as the saviour of Burma from disintegration and portray ethnic rebels as separatists. Today, such issue of the non-disintegration of union, in fact, is the only issue that is left to justify the military's role in Burmese politics. Burmese army, therefore, suppress any movement towards establishment of a federal union. The emergence of NCGUB/DAB as a political alliance, therefore, becomes a concern to SLORC.

After the leadership changes in April 1992, the SLORC begin to change its tactics in dealing with opposition. In order to marginalize NCGUB and to weaken the DAB, the rebel groups within DAB are coerced to sign separate cease-fire agreements with SLORC. In February 1994, the Kachin Independence Army, a prominent member of DAB, signed

⁷Human Rights Sub-committee, "*Human Rights and Progress Towards Democracy in Burma*", October 1995.

⁸Amnesty International, "*Myanmar: Human Rights violation against ethnic minorities*", AI Index: ASA 16/38/96, 8 August 1996.

⁹1. New Democratic Army (300-400 men), 2. Myanmar National Democratic Alliance Army (1000-1500 men), 3. United Wa State Army (10,000-15,000 men) and 4. Former CPB 815 War zone (1,500-2,000 men)

¹⁰Bertil Lintner, "*The Politics of the Drug Trade in Burma*", Occasional Paper No.33, Indian Ocean Centre for Peace Studies, The University of Western Australia, May 1993.

¹¹The DAB is essentially the umbrella group of NDF and Student rebel groups, formed after 1988 uprising.

cease-fire agreement with SLORC. On June 1995, the New Mon State Party had signed cease-fire, ending a nearly 40 years of armed conflict. The Karen National Union, only remaining member of the DAB, is refusing to sign SLORC's military cease-fire pact, and continue to demand political settlement with the government.

It need to be noted that, despite most of the ethnic rebel groups has signed SLORC's ceasefire agreement under pressures, these ethnic nationalities are not likely to forget their demand for political settlement. The former members of Democratic Alliance of Burma, especially Kachin Independence Organization, continues to call for participation in writing Constitution ¹². The recent information received from inside Burma indicate that the Kachin Independence Organization and New Mon State Party have written to the SLORC demanding their participation in dialogue and writing the constitution ¹³.

On early January 1996, the drug warlord Khun Sa and some members of Mong Tai Army (MTA) in Shan State has "surrendered" to the government. However, the most rank-and-file of MTA have splintered into different factions and continue to be active in Shan State ¹⁴.

§1.3 Drug trade in Shan State: Emerging security threat

After the cease-fire in 1989, the area under the control of former CPB rebels in eastern Shan State quickly transformed into major opium-poppy producing areas. Consequently, a dramatic increase in opium production in Burma has been reported ¹⁵. After China reduced aid for the Burma Communist Party in 1970s, the communist rebel rank-and-file resorted to opium production/trade as alternative support. In 1989, the area under control of the splinter groups has already been opium producing area. Where the development assistance promised by SLORC was not forthcoming, the existing drug warlords capitalized the situation and the Wa rebels were further dragged into drug trade ¹⁶.

The SLORC's inaction to the drug problem in Shan State can seen in the following context. Firstly, since the time of concluding the ceasefire with Wa rebels, SLORC has promoted itself to the international community as a peace-maker. Therefore, taking measures against Wa rebels may damage its reputation. Secondly, the SLORC is already preoccupied by political confrontations with democratic opposition and therefore apprehensive about engaging with rebels on military front. Thirdly, there may have been some hope within SLORC that the drug issues may be used as an avenue to legitimize itself internationally ¹⁷.

The SLORC's policy inconsistency - and willingness to exploit - on drug issues is seen by observing its operation on Khun Sa. In spite of high profile campaigns were launched in 1994 and 1995 against Khun Sa ¹⁸, the SLORC finally made ceasefire deals with Mong Tai Army in January 1996. The SLORC's policy priority was, thus, to consolidate its political position, rather than to reduce opium poppy cultivations ¹⁹.

From this author's point of view, these existing ceasefires in Shan State, no matter how fragile and flawed, are to be welcomed as a first step to reduce opium poppy production.

¹²Prof. Yozo Yokota, "Situation of Human Rights in Myanmar", para.159-160, E/CN.4/1996/65, 5 February 1996.

¹³BurmaNet News, September 18, 1996.

¹⁴[A-6] Economic Intelligence Unit report, 14 June 1996.

¹⁵[A-1] U.S. Department of State, March 1996.

¹⁶Bertil Lintner, "The Politics of Drug Trade in Burma", Occasional Paper No.33 IOCPs, May 1993.

¹⁷Lintner wrote, "Isolated diplomatically and condemned by most Western powers because of the massacres of pro-democracy activists in 1988, the SLORC has been trying desperately to be re-admitted into the international community. Given its direct involvement with the heroin traffickers along the Sino-Burmese border, it may seem ironic that it decided to do this by exploiting the drug issue.", See detail in Chapter 4 of his IOCPs paper.

¹⁸Far Eastern Economic Review, 20 January 1994.

¹⁹U.S. Department of State, International Narcotic Control Strategy Report, March 1996.

There is at least a possibility of achieving a lasting peace. However, a strategy to realize peace in Shan State is still need to be formulated. The demobilization/disarmament in exchange for settlements and developments may be the ideal solution; but this formula may not work for drug warlords²⁰. Probably because of the former Communist connections as well as the shadows of drug issues, the ethnic rebels in Shan State are not in contact with pro-democracy forces. Therefore, their political orientation to current situation are still unknown.

A major threat with regards to drug trade in Shan State is the possibility of Burmese army become engaged in an institutionalized corruption. There are already reports of drug money-laundering by Burmese army officers²¹. At the current stage, the regional military commanders are quite likely to be involved in corruption²². The Wa rebels (United Wa State Army) on the one hand control its own territory and appears to build-up arms. While the political solution should certainly be offer to the Wa rebels, it is important that the neighbouring countries should make greater effort to contain arms flows and to put tight control on logistic supports to these rebels. The closer scrutiny should be made to the cases of Burmese army officials drug money-laundering in neighbouring countries.

§1.4 National Convention and Process of Democratization

SLORC made initiative to draw up a new constitution in 1992 amid the request to transfer power to elected representatives by the United Nations General Assembly and Commission on Human Rights. The objective of National Convention appears to be to assert its legitimacy and to prolong its stay on power²³. The composition of delegates does not truly represent elected members (only 61 out of 702 are elected members) and the guideline set out by the National Convention Convening Committee are not leading towards democracy. From the beginning of the National Convention in January 1993, it is clear that the elected representatives do not agree with one of the guidelines set out by the National Convention Convening Committee - as has been noted in his report in February 1993 by UN Special Rapporteur²⁴:

Para.216. The Special Rapporteur was further informed that point number 6 of objectives on the agenda of the National Convention, i.e., the "leading role" of the military (Tatmadaw) in the future government was not an objective agreed to by the elected representatives. The Special Rapporteur was told that it is not clear what role or influence the Tatmadaw is to carry out in the Drafting Committee and how its role in the future, democratic government as defined in the constitution to be drafted was another point of great concern to the elected representatives.

As a result, the process of SLORC-sponsored National Convention throughout 1993 to 1996 is marked by numerous stoppages. Although SLORC made an attempt to copy the Indonesian style constitution which accommodate a dual-function role for the army, there are questions that such system will not work for Burma²⁵. On 7 April 1995, the SLORC's

²⁰The U.S. General Accounting Office report on 1 March 1996 notes, "Without these tax revenues, UWSA would have serious funding problems. UWSA has no incentive to reduce its size or end its involvement in opium trafficking until (1) alternative sources of income are found to replace opium-generated revenues or (2) the threat of Burmese government aggression is diminished or removed. Neither of these possibilities appears likely to happen."

²¹Burma Debate, March/April 1996.

²²U.S. Department of State report, March 1996.

²³Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, the Parliament of Commonwealth of Australia, "Human Rights and Progress towards Democracy in Burma", October 1995.

²⁴Professor Yozo Yokota, "Report on the Situation of Human Rights in Myanmar", E/CN.4/1993/37, 17 February 1993.

²⁵Ulf Sundhaussen, *Indonesia's new order: A model for Myanmar ?*, Asian Survey, Vol. XXXV, No.8, August 1995.

National Convention Convening Committee, amid protests by the elected representatives²⁶, declared six Self Administered Zones within Shan State. As has been pointed out by the analysts²⁷, this move is political manipulation by SLORC leaders in an attempt to subdue the emerging unity between ethnic minorities and civilian opposition parties.

More important question about SLORC-sponsored National Convention has been the possibility of not being approved by majority of population once it is completed. In this context, the current process of writing constitution can be considered as a mere waste of time and energy.

On November 1995, the National League for Democracy withdrew its support about SLORC-sponsored Convention; stating the Convention (and the working procedures) is undemocratic and unacceptable for the people of Burma. The National League for Democracy also made the call for discussion and dialogue with authorities to achieve national reconciliation²⁸.

The United Nations General Assembly in its fiftieth session also express its concerns with regards to National Convention²⁹:

Para.9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes with concern that the working procedures of the National Convention do not permit the elected representatives of the people freely to express their views;

The resolution further urges Government of Myanmar to engage in a substantive political dialogue with Daw Aung San Suu Kyi and other political leaders, including representatives from ethnic group, to promote national reconciliation and restoration of democracy.

The emergence of a Constitution which accommodate the democratic aspiration of all people of Burma, especially the ethnic minorities, is central to the question of democratization in Burma. The Constitution is also central to ending of longstanding civil war in Burma. The international community must scrutinize the process of writing Constitution. It also need to set a time frame to finalize and adopt the Constitution.

§1.5 Relation with United Nations

In last 12 months, the relation between the United Nations and Myanmar military authorities has significantly deteriorated. Professor Yozo Yokota, the former U.N. Special Rapporteur, in his February-1996 report, E/CN.4/1996/65, has noted several instances of SLORC not cooperating with the United Nations. The Special Rapporteur was not allowed to see the prisoners at the Myitkyina and Insein prisons during his visit to Burma in October 1995. In order to investigate the allegation of forced labour, the Special Rapporteur requested to visit (1) Mong Kwan electric power plant in Shan State, (2) Myitkyina-Sumprabom Road and (3) Myitkyina-Shibwe Kawkhanugng Road in Kachin State. The military authorities had instead taken the Special Rapporteur to the (1) Nan Wop electric power plant in Shan State (2) the construction site of "Ayayarwady Bridge" in Kachin State.

²⁶SLORC convention declare self-administered zone for NAGA, DA-NU, PA-O, PA-LAUNG, KOKANG and WA ethnic minority groups. The elected-representatives have reservation about the creation of the so-called Self Administered Zone, which may create ethnic enclaves and fuel racial tensions, see Overseas Burma Liberation Front report, 15 June 1995.

²⁷Overseas Burma Liberation Front, "SLORC's latest political crisis", 15 June 1995.

²⁸Press statement by National League for Democracy, "THE OBSERVATION OF THE NATIONAL LEAGUE FOR DEMOCRACY ON THE NATIONAL CONVENTION", 22 November 1995.

²⁹United Nations General Assembly Resolution, A/C.3/50/L.52, 11 December 1995.

In March-1996, the UN assistant secretary-general, Mr Alvaro de Soto, was refused of visit to Burma. At that time the assistant secretary-general had been preparing reports to UN General Assembly and UN Commission on Human Rights. The SLORC official explanation of refusing Mr de Soto's visit was that the SLORC leaders always tour in March the country to prepare Burmese New Year. This is the evidence of SLORC has no position to discuss political situation of the country.

The SLORC cooperation in implementing UNDCP projects is also in decline³⁰. The UNDCP was not allowed the access to areas under ethnic rebels and limit the assignment of UN personnel. NGOs are also not allowed to operate in Shan State³¹.

The SLORC has particularly made measures to restrict the activity of UNHCR in Arakan State³². The UNHCR is currently involved in repatriation and reintegration of Rohingya refugees from Bangladesh. These restrictive measures are impeding the progress of the UNHCR operation (See more detail in §2.3).

On 2 September 1996, at the SLORC information committee forum, the SLORC Foreign Minister rejected the Commission on Human Rights appointment of the new U.N. Special Rapporteur and refusing to allow the Special Rapporteur's visit to Burma³³.

Where the United Nations Agencies, especially the UNHCR, usually operate with the "consent" of government, whether that government be legitimate or illegitimate, the SLORC refusing to cooperate with United Nation is clearly a contempt of the United Nations and U.N. Charter. It has been clear that the "humanitarian good will" is not enough to persuade the Burmese military leaders to improve the country's human rights and political situation. The international community must resort to other forceful means to persuade the SLORC.

2. Situation of refugees and displaced people

§2.1 Incursions into Thailand and armed attacks on refugees

In December 1994, a few hundred Buddhist members of the Karen National Liberation Army broke away from KNU. SLORC has exploited the situation and attacked the Karen National Union headquarters, Manerplaw, despite the Burmese army's 1992 unilateral ceasefire announcement on Karen rebels. After the fall of Karen National Union's headquarters in January 1995, reports continued to be received of armed attacks on the refugees and displaced people by the Democratic Karen Buddhist Organization (DKBO) - the breakaway faction of Karen National Union (KNU). Various international human rights organizations have reported the abduction and killing of refugees; and attacks on displaced people and refugee camps on the Thai soil by the Democratic Karen Buddhist Organization. The Amnesty International noted the incidents of border incursions into refugee camps as^{34 35}:

After wresting control of Myanmar territory along the Thai border away from the KNU, the SLORC and particularly the DKBA have launched a series of increasingly large-scale armed incursions into the refugee camps which are generally situated within a few kilometers of the border. These incursions, which resulted in the abduction and death of a number of refugees and the burning of thousands of refugee homes, are

³⁰U.S. Department of State, International Narcotics Control Strategy Report, March 1996.

³¹[A-2] Far Eastern Economic Review, August 1, 1996.

³²Human Rights Watch/Asia, "Burma: Rohingya Muslim, Ending Cycle of Exodus?", Vol (8) No.9 (C), September 1996.

³³SLORC information committee press release, September 2, 1996.

³⁴Amnesty International, "Myanmar: No Place to Hide", AI INDEX: ASA 16/13/95, June 1995

³⁵Human Rights Watch/Asia, BURMA: ABUSES LINKED TO THE FALL OF MANERPLAW, Vol. 7. No. 5., March 1995.

explicitly designed to terrify the refugees into returning to Myanmar and thus to deprive the KNU of its supposed civilian base. In February and March 1995, these incursions normally involved 20-30 troops and generally had the aim of abducting and forcibly repatriating senior civilian KNU Buddhist officials and camp administrators. Since mid-April 1995, however, the incursions often involved hundreds of soldiers and the burning of entire refugee camps. The DKBA have also been responsible for several random acts of violence or crimes against Karen refugees and local Thai villagers.

The Special Rapporteur for Human Rights in Myanmar, Professor Yozo Yokota, have also reported above incidents to the U.N. General Assembly in his report on 16 October 1995³⁶. According to the SLORC, The Burmese army has provided logistics support for DKBO since the defection in December 1995. However, the SLORC denied the involvements of abducting refugees and attacking refugee camps³⁷:

Although the DKBO is reportedly responsible for those attacks on Karen refugees, at the closer investigations it has revealed that those border incursions were actively supported by the Burmese army. The reports by Amnesty International³⁸ and Far Eastern Economic Review³⁹ indicated that Burmese regular army is responsible for attack on the refugee camps in Thailand. Refugees from the camps said that the attackers were regular Burmese groups wearing the uniforms and insignia of the Democratic Karen Buddhist Army.

Continuing occurrence of violent conflicts by these disputing parties as well as the attack on refugees attract attention from the Thai authorities. Often it create tension between the Burmese army and Thai security forces.

In the beginning of this year, the Democratic Karen Buddhist Army has stepped up their campaign in terrorizing Karen refugees and displaced people and attack on the camps along Thai border⁴⁰. The foreign non-governmental organizations workers are also threatened to stay away from the refugee camps⁴¹. Fighting between DKBO and KNU have also been reported⁴². The Amnesty International has reported the continuing occurrences of raiding and looting of refugee camps⁴³:

In the last year DKBA troops have repeatedly crossed the border and killed and abducted dozens of Karen civilians in an apparent attempt to force over 70,000 Karen refugees to return to the areas of the Kayin State under its control. In the last six months there have been widespread reports that the SLORC has reduced its distribution of food and other supplies to the DKBA. As a possible consequence, in late 1995 and early 1996 the DKBA has concentrated its efforts on raiding and looting refugee camps and villages in Thailand for supplies. They have also reportedly stolen supplies from many Karen civilians who remained in villages in Myanmar.

It need to be note with concern that the SLORC tendency to promote and exploit weakness and division within KNU; indicating no genuine desire to make compromise with ethnic nationalities. Such repeated occurrence of incursions into refugee camps in Thai territory by DKBO and Burmese army, and the continuing conflicts within the rebel forces

³⁶Professor Yozo Yokota, Interim report to General Assembly by Special Rapporteur, General Assembly A/50/568, 16 October 1995.

³⁷ibid., para 31,32.

³⁸Amnesty International, 'Myanmar: No Place to Hide, Killings, abductions and other abuses against ethnic Karen villagers and refugees', AI INDEX: ASA 16/13/95, June 1995.

³⁹Far Eastern Economic Review, *Burma: It's Rangoon, Not Rebels*, May 18, 1995 pp21.

⁴⁰*The Nations*, Karen rebels threaten to attack Thai refugee camps, 21 January 1996.

⁴¹AUSTCARE, "Tour Report: Thailand-Burma border", May 1996.

⁴²Bangkok Post, *KNU troops kill 8 rival camp soldiers in attack*, 21 January 1996.

⁴³Amnesty International, "Myanmar: Kayin (Karen) State - The killings continue", AI Index:ASA 16/10/96, April 1996.

call for urgent attention for the peaceful solution to the problems between DKBO, KNU and the Burmese army.

§2.2 Internally Displaced People

Massive forced relocations have occurred in Karenni and Shan States of Burma's eastern states, which both areas are adjacent to Thailand. In Karenni state, the Burmese army ordered ninety-six villages to relocate two relocation site - Shadaw and Ywa Thit - on early June 1996 ⁴⁴. The relocation in Karenni State is intended to pressure the Karenni National Progressive Party - which signed ceasefire pact with government in March 1995 and brokedown in July 1995. There are also forced relocations in Shan State since March 1996 in the towns of Nam San, Mong Nai and Kurn Heang and affecting 450 villages with estimated 50,000 people. Despite continuing ceasefire talks between the Karen National Union and SLORC, there are continuing reports of forced relocation of villages within Karen State, as Amnesty International reports ⁴⁵:

".... Forcible relocations of villages in central Papun district are occurring on a wide scale. As a result, some 1,000 Karen civilians fled to camps in Mae Hong Son province in northwest Thailand during December 1995 and January 1996; tens of thousands of displaced persons are reported to remain behind, hiding in the forest.

According to unconfirmed sources from Papun district, during 1995 in Dwelo township eight villages were burned and another 23 were forcibly relocated by the army to Mae Wai village. Thirty-two villages in Lu Thaw township were forcibly relocated to Papun town. Fourteen villages in Butho township were also relocated to Kaw Pauk near a SLORC army base.

The Burmese army has been carrying out large-scale forced relocation campaign in Karen State since 1991-92, to pressure the Karen National Union in ceasefire negotiation. In Karenni State, the villagers are ordered to move by certain date from their place of residence at a short notice and threaten to shoot and kill who left behind, as a testimony given by Karenni refugee interviewed by Karen Human Rights Group ⁴⁶:

The letter they sent said "The 7th of June (1996) is the last day. If you don't arrive by the 7th we'll come and if we see anyone we'll shoot and kill them. You must bring all your belongings." They sent us that letter on June 2nd. It was No 337 Battalion.

The relocation sites are ill-prepared to accommodate the displaced villagers. The displaced villagers have to built their own huts or live in existing buildings in an overcrowded situation. One Shan villager report to KHRG about the living condition at relocated place: Villagers have to live underneath the floor of the other people's house ⁴⁷.

"We had to stay on the ground underneath the house and on the floor, there were no real rooms, we had no good place to stay. Each house has 4 or 5 pots of rice cooking [i.e. 4 or 5 families staying there], so you can imagine how crowded it was. In the daytime, we had to lay on a mat on the floor in the passage. We were so tired, but to take a nap in the daytime they just laid mats all over the floor, all of us together. We all had to buy our own food."

⁴⁴Human Rights Watch/Asia, "Burma - HRW Demands End to Forced Relocations", 11 July 1996.

⁴⁵Amnesty International, "Myanmar: Kayin (Karen) State - The Killings continue", AI Index: ASA 16/10/96, April 1996.

⁴⁶Karen Human Rights Group, Interview with Koo Klaw Reh, 4/7/96.

⁴⁷Karen Human Rights Group, Interview with Nang Zan Sang, 1/6/96. Houses in Burma are usually built with the floor 3 or 4 feet above ground level. What appears to happen was the displaced villagers, who could not built their own hut have to live underneath the floor of a house as the last resort. It is degrading and a great-deal of discomfort for the displaced villagers.

The military has denied villagers of their subsistence needs. Since the relocations were carried out at short notice, the villagers could not bring much food with them. The army do not provide food and medical care for the villagers at the relocated site. One villager witnessed the instance of displaced family had been refused of food by the army ⁴⁸:

"I saw a family whose children were very hungry, so their father went to the Army and asked for food, but they refused. He went home, but then he saw his children all so hungry and crying, so he went back and asked the Army again. They beat him, then they pushed him away and shouted "Go away!". That man said later, "I have to get away from here, if I stay here a long time I will die by starvation or by SLORC".

The majority of uprooted villagers cannot find work at the relocated place; they therefore have to resort to begging food by the road side, as one Shan traveler testify ⁴⁹:

I just got back [to Thailand] 6 days ago. I went back on May 5th, and I got back here on June 3rd. I went to Mong Ton, then crossed the Salween River and went to lang Ker, Nam Sang, Laikha, Mong Kung, and then back down to Kun Hing. While I was there I saw people moving, carrying children, carrying their things. ...*Abridged*...they were moving close to the towns. They're just living in bamboo huts, I saw the places they're staying in. They're staying all packed together. They don't have any money to build proper houses,...*Abridged*....I saw lots of these places. In some places the people beg along the sides of the road. they hold monk's bowls and just stand there by the roadside, all day long. They hope passerby will put some rice or money in their bowls. The children hold out their caps. I saw groups of 30 people or more standing together along the roadsides doing this.

Some villagers were told by the army that they would have to stay at relocated places 3 to 4 years. The anxiety about an uncertain future, combined with difficulty to make the ends meet at the relocated places has prompted the uprooted villagers to flee to the refugee camps ⁵⁰:

Then the Burmese said, " ...*Abridged*.... here we won't give you food. If you don't bring your food from your village you can starve and die, we don't care." That's why we left. At Shadaw a lot of people were sick, but when we asked for medicine there was no medicine for us.*Abridged*... I could see that if we stayed there for long the situation would get much worse.*Abridged*.... If they keep forcing people to move I think most people will come here to be refugees. I don't know when they'll let people go back to their villages, 3 months or 3 years, but it will be a long time. I've never seen a situation this bad. Before we just had to run to neighbouring villages to avoid them [Burmese soldiers]. But now it's everywhere, and they said they'll burn our villages and kill our animals. I've never faced problems this bad in my life. ... Now we even have to receive food from other people, it's not like our own food. I can't talk about it anymore.

§2.3 Current state of voluntary repatriation for refugees

The UNHCR efforts to negotiate humanitarian access for returnees/refugees are largely unsuccessful. SLORC is reluctant to allow the UNHCR monitoring to Mon and Karen refugees. The Mon and Karen refugee communities have several times expressed their willingness to participate in UN voluntary repatriation programmes ^{51 52}.

⁴⁸Karen Human Rights Group report, Interview with Koo Maw Reh, 3/7/96.

⁴⁹Karen Human Rights Groups, Interview by Sai Hom, 11/6/96.

⁵⁰Karen Human Rights Group, Interview with Koo Nga Reh, 4/7/96.

⁵¹Mon National Relief Committee, January 1996.

⁵²Karen Refugee Committee, "Statement of the Karen Refugee Committee on the present situation with regard to the Karen Refugee Problem and Question of Repatriation", 20 June 1995.

In Arakan State, where Rohingya-muslim refugees are repatriating from Bangladesh, the UNHCR was not allowed unhindered access to refugees and local community⁵³. SLORC has taken various restrictive measures against the operation of UNHCR. The UNHCR is not allowed to implement its projects directly with the local community, only through the Myanmar military government agency - Immigration and Man Power Department. UNHCR personnel have always been escorted by military therefore make the refugees difficult to contact UNHCR. The UNHCR is not allowed to find an independent interpreter.

In early 1996, there are reports of an estimated 10,000 Rohingyas arrived in Bangladesh. The newly arrived Rohingya are classified as "economic migrants" which deprived them of assistance by the UNHCR. This new influx clearly indicate that there are inadequacy in addressing the root causes of the flight and also the narrow protection mandate and meagre resources given to the UNHCR. Consideration also need to be made to attenuate the flow of economic displacements.

The UNHCR should be given responsibility to monitor the internally displaced people throughout Burma. This will reduce the threat of a further outflows of refugees across international border. Although the UNHCR's mandate is primarily to protect refugees/returnees, its mandate can be extended by the Secretary-General and UN General Assembly in the case of Burma⁵⁴.

When looking at overall picture of human displacement in Burma, the refugees/returnees and internally displaced people constitute only a fraction. The other form of displacement, "economic displacement", also need to be tackled. This protection responsibility, however, will not be entirely within the UNHCR mandate. Nevertheless, the UNHCR and UN Commission on Human Rights should be given the mandate, as an initiative to assist in democratic institution building, to attenuate the causes of "economic displacements". The elected members of parliament should be empowered to formulate and enforce the legislation that require to deter the economic displacement.

§2.4 Mass Displacements: The Economic, Social and Cultural Rights

The most widely recognized statement of human rights is the U.N. Universal Declaration of Human Rights, adopted by United Nations General Assembly on 10 December 1948. Three decades after the Declaration, the U.N. has formulated an "international bill of human rights": The International Covenant on Economic, Social and Cultural Rights (ICESCR), and The International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol.

Generally, the two Covenants (ICCPR & ICESCR) provisions reflect the rights set forth in the Universal Declaration of Human Rights. For example, Article 25 of the Universal Declaration of Human Rights is reflected in the Article 11 of ICESCR⁵⁵; Article 21 of Universal Declaration of Human Rights is reflected in the Article 25 of ICCPR. States

⁵³Human Rights Watch/Asia, "Burma: the Rohingya Muslims, Ending the Circle of Exodus?", Vol.8. No 9(C), September 1996.

⁵⁴Para.16. [T]he Working Group considered that the same reasoning held true for persons displaced within their own country for refugee-like reasons. while the office does not have any general competence for this group of persons, certain responsibilities may have to be assumed on their behalf, depending on their protection and assistance needs. In this context, UNHCR should indicate its willingness to extend its humanitarian expertise to internally displaced persons, on a case-by-case basis, in response to request from the Secretary-General or General Assembly. - Executive Committee of the High Commissioner's Programme, "Note on International Protection", A/AC.96/799, 25 August 1992.

⁵⁵Universal Declaration of Human Rights: Article 25.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

which ratify the two Covenants and additional Protocol have an obligation to implement the measures (Burma is not a signatory to both Covenant). The Universal Declaration of Human Rights, however, is not promoted in 1948 as a treaty but an internationally endorsed statement of principles. Nevertheless, it has now gained a customary acceptance of Universal Declaration of Human Rights as a fundamental principle for promoting and protecting human rights. Member states of the United Nations which are not signatory to the ICCPR & ICESCR still have obligation to promote human rights in accordance with the U.N. Charter, as noted by Special Rapporteur in his February 1993 report ⁵⁶:

Para.141. Article 55 of the Charter states that the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Article 56 of the Charter states that all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes. Article 2, paragraph 2 states that all Members ... shall fulfill in good faith the obligation assumed by them in accordance with the Charter.

142. Thus, as a Member State, Myanmar is granted the rights of membership under the Charter and has an obligation to cooperate with the United Nations and other Member States in taking progressive measures and joint and separate action in cooperation with the Organization to promote the observance of the human rights as elaborated in the Universal Declaration of Human Rights within the territory of the State of Myanmar.

Full and unreserved cooperation to the United Nations Organization must be demanded of the SLORC, regardless of Burma's status in relations to Human Rights Conventions, when government's actions were threatening international peace and security. The improvement to the situation of human rights must, therefore, be called for when there are displaced people flows within and across international border.

One can notice from preceding paragraphs that no distinction or priority may be made between ICCPR and ICESCR when promoting and protecting human rights. With regards to the human displacements, the link between violation of Civil and Political Rights (ICCPR) and "refugee movements" may be easier to understand in comparison to the link between violation of Economic, Social and Cultural Rights (ICESCR) and the so-called "economic migrants". This may be attributed to interpreting the customary 1951 U.N. Refugee Convention definition of a "well founded fear of *persecution*"; where the term "persecution" is generally accepted as *political persecution*. However, in analysing and removing the root causes of human displacements, the attentions should be given to violation of ICCPR as well as ICESCR.

Current Burma situation suggest that promoting the respect for ICESCR can be much more effective in attenuating the flow of so-called "economic migrants" as well as refugees and internally displaced people. The observation is that because of the power decline of SLORC central government, various forms of human rights violations have occurred at the grassroots level. Lawless practices of armed forces in counter-insurgency operations; the regional military administrator's arbitrary imposition of burdensome tax on local population; government using forced labour in various development and tourism projects, and the practice of forced procurement of rice that are causing the pressure on population. As a result, the rural population are increasingly faced with economic and social insecurity. This consequently has led to the outflows of displaced people to the neighbouring countries.

The consequence of these violations are, by its nature, inflicted upon the masses. These violation occurred as a result of government's ill-defined policies: forced labour,

⁵⁶Professor Yozo Yokota, "Report on Situation of Human Rights in Myanmar", E/CN.4/1993/37, 17 February 1993.

counter-insurgency measures, taxation, infrastructure development and government purchasing practices. Followings in this report summarize the forms of violation related to ICESCR, except for forced labour. The situation related to forced labour in Burma has been extensively studied by human rights groups over the year and therefore not being repeated here ⁵⁷.

§2.5 Forcible Procurement of Rice

The government practice of forcible procurement of rice and other primary product has been causing hardship and insecurity to the rural population. Since 1993, in an effort to increase rice production, SLORC has introduced double-cropping and cultivation of summer paddy. SLORC targeted the rice output for 1993/94 as 675-million baskets and to increase it in 1994/95 as 900-million baskets ⁵⁸. To expect such dramatic increase in agricultural output is clearly unrealistic. Farmers also have technical difficulties to produce in accordance with the government's new measures. In Irrawaddy delta, for example, it is difficult for the farmers to grow summer paddy and it is also expensive by added costs of fuel and hiring irrigation pumps. The regional military administrations, on the otherhand, have taken measures to reach its production quota without due consideration given to circumstances. This has resulted hundreds of farmers arrested, detained and land confiscated. One refugee interviewed by KHRG testify the incident of local authorities in Irrawaddy Delta intimidate farmers in order to get the rice quota ⁵⁹:

In May (1996) they started taking action against farmers who failed to meet the quota requirements, which were due in April. The farmer unable to meet the quota requirements number around 15-50 per village [out of perhaps 100-400 house per village in total]. These farmers were instructed to bring their own food supplies along with them, and they were placed under detention in the police jail cells, or in school buildings once the cells were all full. Then the quota requirements were again demanded of them.

It need to be noted from the testimony that the percentage of household in a village which cannot meet quota does not appears to indicate a normal circumstance of crop failure (In which case the percentage will be higher). This confirm reports that the poorer sector of rice farmers suffer much harder from the government procurement scheme ⁶⁰. The testimony given also indicate that such practice of forced procurement is widespread throughout the region of Irrawaddy delta ⁶¹:

Those failing to give it continued to be held in detention. In May at Wah Kema town, the school was filled with detained farmers, and I saw 33 farmers, some handcuffed, the other tied with rope, all guarded by police, walking on the road to be relocated. This was a public demonstration that anybody who failed to give rice would be treated this way. The same thing happened in Myaung Mya, Ein Meh and Pantanaw.

Some expert has pointed out that Burma's agricultural sector, within existing technology and available land, may already be at its production plateau ⁶². Therefore, the failure to meet its rice export target this year attribute to the government incompetence in policy formulations.

⁵⁷Reports in this regards are: Australian Parliament's Human Rights Sub-Committee publications, Vol.5 & 6.; Australian Council For Overseas Aid Report, February 1996; Southeast Asian Information Network and EarthRights International, "Total Denial", May 1996; Amnesty International, ASA 16/42/96; Prof. Yozo Yokota, E/CN.4/1996/65.

⁵⁸Economic Intelligence Unit Report, 2nd quarter 1994.

⁵⁹Karen Human Rights Group, Interview by Saw Kler Eh, 3/6/96.

⁶⁰[A-3] Far Eastern Economic Review, August 29, 1996.

⁶¹Ibid.

⁶²Khin Maung Kyi, "Myanmar: Will Forever Flow the Ayeyarwady?", Southeast Asian Affairs 1994.pp.210-230

Recently, U Win Htein, an assistant to Daw Aung San Suu Kyi, was *formally* arrested on the charge of video-taping of the failed-summer rice crop in Henzada District of Irrawaddy Delta. He was sentenced to 7-year, and later extended to 14-year, imprisonment⁶³. This can be seen as the reflection of government's embarrassment in relation to the failure of its major policy - a punishment that can be interpreted as a retaliation for publicizing Government's failure.

As noted by Human Rights Watch/Asia in its report⁶⁴, such method of purchasing rice is the only means to collect revenue for government since there is no systematic taxation scheme exist in Burma. Burmese government since 1962 have used this method for collecting revenue from farmers. Therefore, the situation calls for reform on government taxation practices. SLORC tendency to use public forced labour in its infrastructure project can also be seen in the same context⁶⁵.

§2.6 Emerging pattern of lawlessness

Weakness in the central SLORC administration, which combined with lack of independent judiciary, has become a major contributor to the increase in corruption and lawlessness amongst regional administrations. For example, there are evidences that the SLORC central administration had ordered all regional commanders to cease the practice of forced-unpaid labour⁶⁶. However, continuing cases of forced labour throughout the country in this year may be attributed to the waning power of the SLORC central administration⁶⁷. The Special Rapporteur also note this in his report as:

Para.141. In addition, the Special Rapporteur notes that several months after their publication, these directives are still not public and therefore not accessible to those to whom they would apply and to those protecting the rights of persons accused of breaking the laws.

142. Given the many complaints received by the Special Rapporteur from several reliable sources, it seems that neither of the directives is being implemented rigorously.

There are also cases of the regional commanders used the forced labour as a pretext to extort money from the local population. The authorities confiscate private properties without compensation, or forcibly relocate residents. The Special Rapporteur noted in his report as⁶⁸:

Para. 138. Other well-documented reports received by the Special Rapporteur concern violations of the right to own property, as articulated in article 17 of the Universal Declaration of Human Rights. The reports refer to cases of confiscation or destruction of movable and immovable property, for which only in a very few cases were the victims said to have been given some form of compensation. People continue to be forcibly relocated, with little or no compensation, to new towns and villages. In some areas, such as Hlaing, Thngangyun and Tamew, displaced home-owners do not get any compensation, although some were reportedly given the option of buying apartments in the buildings constructed on the site of their old homes. Usually the cost of these new apartments is beyond the means of the displaced owners. Most of these displaced have to buy plots of land in the new townships with their own money, causing them great financial

⁶³Associate Press, 4 Sep 1996.

⁶⁴[A-4] Human Rights Watch/Asia, *Burma: The Rohingya Muslims, Ending a Cycle of Exodus?*, pp-30 Land Ownership and Arbitrary Taxation., September 1996.

⁶⁵This may be attributed to the SLORC own knowledge of running the country, which generally reflect the thinking of socialist state monopoly.

⁶⁶E/CN.4/1996/65, Page 41.

⁶⁷Widespread incidence of forced labour was reported, for example, in Karen Human Rights Group, February 20, 1996: KHRG #96-08.

⁶⁸Professor Yozo Yokota, E/CN.4/1996/65, 5 February 1996.

hardship. The displaced population are usually faced with great economic difficulties, as their means of livelihood were connected to the area where they previously lived.

Such cases of authorities arbitrarily confiscating private property, also of agricultural lands in rural areas, are reported to be occurring throughout the country⁶⁹. These forcible relocations, as in the case of the internally displaced people in §2.2, deprive the rural villagers of their livelihood as well as social security. In Burmese society, especially in the rural communities, a person cannot simply exist as an individual, but must live as part of a family and part of the community. A person is traditionally expected to give care to the aged within his/her family and also contribute towards the community⁷⁰. For example, if there is case of a person or family in severe illness or crop-failure, the community usually help them in facing difficulties⁷¹. The forcible relocations break these social bonds between the uprooted persons and their community; therefore it deprive the uprooted people of their social security.

§2.7 Additional Protection Measures

Perhaps enough information been presented, at least to comprehend the complexity of the ICESCR related violations, on situation which can be considered as the root cause of the so-called economic displacements. The economically displaced persons, in essence, are those whose livelihoods been deprived by generalized violence or the government's policy. In Burma's case, the poverty is generated through the political system. These violations are not targeted to the individual concerned. It however inflicted upon the whole population. An appropriate measures to improve the situation, therefore, can be different from normal form of monitoring human rights.

The attention need to be given, firstly, to the restoration of independent judiciary. This will enable the population to seek protection from the abuse by local authorities through the courts. Secondly, instituting a system of taxation will put a stop to the local authorities arbitrarily collecting tax from the population. Thirdly, the realistic target for government rice producing/purchasing quota need to be set with the help of local population.

The elected representatives are the perfect candidate to be charged with these protection responsibilities. Formulation of the appropriate legislation with regards to voluntary labour, taxation and procurement scheme with the participation of population will be a good foundation for building democratic institutions.

Therefore, in accordance with the United Nation General Assembly resolutions, the elected-representatives should be empowered to legislate with regards to forced labour, taxation and procurement of rice.

3. Conclusions and Recommendations

1. Burma is in a state of triple transition from civil war to peace; dictatorship to democracy and centralized to a freemarket economy. The institution building should be done in political, human rights as well as economic and financial fronts.

⁶⁹Special Rapporteur noted one more case of confiscation of land in eastern Shan State in para.139. There are also various independent reports indicating such practice was prevalent throughout the country. Most of the reports may be found on Karen Human Rights Group report database on the Internet.

⁷⁰This kind of voluntary contribution towards community is obviously different from the SLORC term of "voluntary contribution". The SLORC try to mislead, or itself being confused, about the Burmese social values when it try to defend the practice of forced labour etc.

⁷¹This behaviour generally reflect the Burmese people's generosity and also the social cohesions within families and their community.

2. In last 12 months, the SLORC has not made any meaningful cooperation with United Nations and international community in resolving country's problems, in particular the refugee problem, and implementing UN General Assembly resolutions. Such lack of cooperation by military authorities warrant a decisive and forceful action in implementing previous U.N. General Assembly Resolutions.

3. Because of continuing power decline by the central military authorities, the preventive measures against human rights violations must be made at the grassroots level. The U.N. should send international peace-keeping mission and human rights monitors to Burma.

4. Current undemocratic practices of writing Constitution need to be changed. With an arrangement agreeable to all parties to the conflict, the National Convention does present an opportunity for Burma to end its civil war and to restore democracy. A constitution that accommodate democratic aspiration of people of Burma must be realized. A clear time table should be set for the formulation and adoption of such Constitution.

5. The international community's peace-keeping effort should be linked with democratic institution building. Efforts need to be made of instituting independent judiciary, formulation and implementation of legislation with regards to forced labour and forcible procurements in various part of the country. The elected representatives must be charged with these responsibilities as a measure to protect the violation of human rights.

6. There are reports of the current military authorities engaging in drug-related corruption. This threaten the Burmese army to become institutionally involved in drug trade. The neighbouring governments as well as international drug agencies should monitor Burmese army personnel of drug money-laundering. Serious efforts should be made to counter this growing trend.

Recommendations to the United Nations

Peacemaking At this United Nations General Assembly, the priority should be given to the task of persuading the military government of Myanmar to (1) implement the ceasefire and peacesettlement; (2) to make dialogue with civilian opposition and (3) to give the United Nations High Commissioner for Refugees and other humanitarian organizations unhindered access to returnees and internally displaced persons.

1. The United Nations Security Council should enact a resolution similar to 688 and create Safety Zones in Burma (Myanmar). The U.N. Security Council should demand the government of Myanmar to give unhindered access to humanitarian organizations to those Safety Zones. The Safety Zone should include the Tannesarim Division, Mon State, Karen State, Arakan State, Karenni State, Shan State, Kachin and Chin State where the forced labour is occurring, internally displaced people are residing and refugees/returnees are repatriating.

2. The United Nations General Assembly at this 51st Session should authorize to send a civilian peace-keeping mission to Myanmar in order to (a) monitor human rights situation, (b) assist national political forces in their efforts for reconciliation and (c) assist in installing independent judiciary and building democratic institution.

3. The term of peace-keeping mission should be set for no less than two years, until the time that a democratic federal constitution is approved by the people's referendum and a national government inclusive of elected representatives of May-1990

are bestowed with state power.

4. The United Nations Security Council to institute an international arms embargo applicable to all parties to armed conflicts in Burma.

Peace-keeping and peace-building

1. The U.N. Secretary-General and U.N. General Assembly urge the Myanmar military authorities to engage in dialogue with civilian opposition NLD and ethnic leaders; and encourage the remaining ethnic rebel groups to enter ceasefire.

2. The International Committee of the Red Cross, under the U.N. peace-keeping mission, should be given responsibility to monitor ceasefire between Burmese army and ethnic rebels.

3. The United Nations High Commissioner for Refugees, under the U.N. peace-keeping mission, should be charged with the responsibility for monitoring, the repatriation and resettlement of refugees, returnees and internally displaced people. The international non-governmental organizations should also contribute in this humanitarian efforts.

As part of UN High Commissioner for Refugees effort to rehabilitate war affected population, the ethnic freedom fighters as well as government soldiers should participate in demobilization, disarmament and demilitarization.

4. As a measure to implement previous UN General Assembly resolutions and also to attenuate the causes of forced displacement of Burmese people, the representative-elects should be given the responsibility to enact and implement the legislation regarding with forced labour, taxation and procurement of primary products, especially rice. The UNHCR and U.N. Commission on Human Rights should assist the elected representatives in this effort to reduce the flows of economically displaced persons.

5. The U.N. Commission on Human Rights, under the U.N. peace-keeping mission, should be charged with the responsibility in assisting the installing the independent judiciary.

The elected representatives, together with the ethnic nationality and Burmese military authorities should begin dialogue and drawing-up of the constitution. The U.N. Commission on Human Rights, in collaboration with international Non-governmental organizations, should take the role of observer in writing constitution.

Developmental Issues

6. The United Nations Development Programme and other international financial organizations should assist in developing an appropriate taxation scheme in Burma.

7. As a part of UNHCR's effort for repatriation and resettlement of displaced population, the implementation of Quick Impact Projects (QIPs) should be directed at building longer-term infrastructure for Burma. The UNHCR/NGOs should implement QIPs directly with local community. The national political forces in consultation with UN Development Programme should put forward proposals for such projects; the UNHCR should consider, on case-by-case basis, to implement the projects with the help of Burma's traditional donors (U.S.A., Japan and Germany).

Close attention should be given in relation to reducing the opium poppy production in Shan State. The UNDCP should take a particular interest in implementing its crop substitution program in the form of Quick Impact Projects in Shan State.