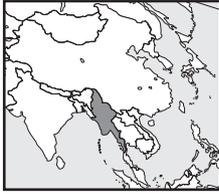


■ BURMA

No social, cultural or environmental rights



Government policies and increasing globalization have lessened economic, social, cultural and environmental rights and contributed to an increase in poverty. Accountability, rule of law, freedom, transparency and security are all non-existent. The corrupt Government and foreign companies that have invested in the country since the 1988 transition to a market-driven economy have destroyed the livelihoods of much of the population. Burma urgently needs policies that promote the rule of law and good governance, as well as institutional and administrative reform.

Burma Lawyers' Council

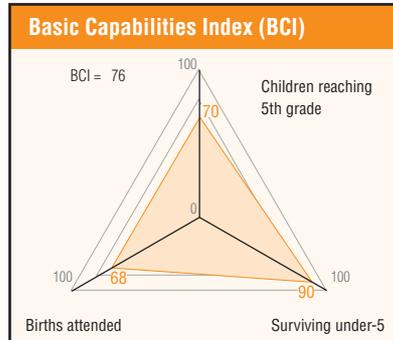
Forty-six years of military rule have ground Burma down into one of the poorest countries in the world. Rather than create an environment in which the people can fully participate in the decisions on how their country is run and enjoy growing prosperity, the ruling State Peace and Development Council (SPDC) has imposed economic policies that enrich its supporters but impoverish most of the population. According to the UN, around one-third of the country struggles to survive on less than USD 1 a day.¹

Even the transition to a market economy has been crippled by the absence of the rule of law. Private ownership is never secure. Property is vulnerable to Government expropriation at any time. In a country where land is the primary source of income for more than half the population, illegal confiscations have deprived hundreds of thousands of farmers of their land. The military regime and its military and law enforcement agencies abuse the SPDC's own tax laws, demanding far more money than people legally owe. These excessive costs are passed on to consumers, miring them even deeper in poverty.

Government policies make it almost impossible for the average person to run a profitable business. Burma does not have any anti-trust law preventing monopolies. In many important sectors of the economy, the market is dominated by a small group of SPDC-controlled companies. Travel and commerce have been severely restricted by a series of laws, such as one that prohibits trading from one region to another. Possession of foreign currency is illegal. The Government makes little or no investment in badly needed infrastructure in transportation, electricity, water supply and other vital sectors. Access to communication, such as email and the Internet, is extremely limited. During the September 2007 people's uprising, the government shut down all telecommunication service.

After SPDC mismanagement led to a leap in prices of up to 400% and even 500%, massive peaceful demonstrations broke out in August and September 2007. Rather than accede to popular demands for relief, the armed forces responded with an iron fist, violently dispersing the demonstrators and arresting hundreds of monks and civilians. By January 31, 2008, the regime was holding 1,864 political

1 <www.irinnews.org/Report.aspx?ReportId=76279>



prisoners, roughly 700 more than in 2006. This total excludes detentions since the crackdown. Political prisoners are subjected to torture and other forms of ill-treatment; many of them have been denied access to essential medical care.²

Under-funding health and education

For many years, the military regime has not revealed its budget allocations. Based on the information it could gather, the International Institute for Strategic Studies estimates that in 2007 the SPDC devoted 40% of the total budget to the military, while spending a mere 0.4% on health and 0.5% on education.³ Failure to provide adequate funding for essential services deprives citizens of their rights to education, health care and an adequate standard of living. Many parents cannot afford to send their children to school; half the country's children fail to complete primary school, according to the UN.⁴ The poor have no access to hospitals or adequate medical attention. Other basic social services are totally inadequate to meet public needs. Private foundations and religious groups fill some of the gap by providing social centres for the disabled, orphans and the elderly, however their activities are restricted to specific social services and a limited number of people.

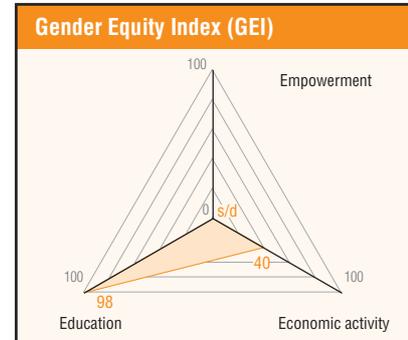
Restrictions on international humanitarian work

SPDC regulations require that all forms of foreign aid come through the State. The military regime takes a substantial portion of any aid that enters the country, significantly reducing the amount available for the

2 <www.aappb.org/release100.html>

3 *Mizzima News*, 1 January 2007.

4 <www.irinnews.org/Report.aspx?ReportId=76279>



intended beneficiaries. It regards aid organizations with suspicion, and employs a variety of methods to limit their activities, including travel restrictions; examinations of all Burmese staff hired by international organizations; and administrative harassment, such as delaying or denying passport renewals for UN officials based in the country; and denial or revocation of permission to hold meetings.⁵ The Global Fund, an international organization that provided extensive humanitarian assistance in Burma, especially in fighting AIDS, tuberculosis and malaria, withdrew its assistance in December 1995, when increased travel restrictions became too onerous.⁶ Together with inadequate Government funding, these policies constitute a gross violation of the right to health.

Environmental impacts of trade

Burma's foreign trade is largely with neighbouring Thailand, China and India. The primary exports are timber, hydroelectric power, natural gas and other natural resources. Most foreign investors and domestic companies concentrate on exploiting these non-renewable resources rather than investing in services or manufacturing. Their activities wreak environmental destruction and abuse human rights, while depriving many Burmese of their livelihood and creating few jobs. Some examples of the negative impact SPDC policies have on human rights are described below.

Logging and mining

After reaching a ceasefire agreement with armed ethnic Kachin rebels in 1994, the military regime signed

5 <www.irinnews.org/Report.aspx?ReportId=75910>

6 <www.sciencemag.org/cgi/content/summary/309/5739/1312a>

a contract allowing China to strip the Kachin forests of valuable hardwood and other timber. The resulting deforestation has raised the local temperature significantly and led to a devastating flood in 2004.⁷ The Government also sold Chinese companies rights to extract gold along the Irrawaddy, Burma's longest river. Unencumbered by environmental controls, these companies have dumped large amounts of mercury into the river, endangering the health of much of the country's population.⁸ Military authorities and mining companies reap the profits from the country's rich gem mines; Burma produces high-quality rubies and more jade than any other country in the world.⁹ None of this wealth benefits the people. On the contrary, the mines have become a cesspool of pollution caused by careless use of machines and oil, as well as the scene of flagrant human rights violations, including widespread land confiscation, extortion, forced labour and child labour. HIV/AIDS, malaria and tuberculosis are spreading rapidly in mining areas. Drug use and addiction are becoming more and more prevalent, spurred by despair and the ready availability of drugs.¹⁰

Dams and hydropower

Three years ago, the military regime signed a memorandum of understanding with Thailand and China permitting construction of a series of hydropower dams along the Salween River. Since then human rights violations - including forced relocations, rape, forced labour, illegal confiscation of property and murder - have become common in the region, according to Salween Watch. At one site alone, Tasang in Shan state, 300,000 people have been forced to relocate.¹¹

The gas pipeline

A trade agreement authorizing construction of a pipeline to export natural gas also spawned appalling human rights abuses. To clear the way for the 260 kilometre-long Yadana natural gas pipeline from the Andaman Sea across Burma to Thailand in the 1990s, the Government relocated villagers and confiscated their land. The project infrastructure was constructed with forced labour. Villagers were compelled to carry arms and supplies for soldiers

patrolling the pipeline route, and subjected to extrajudicial killings, torture, rape and extortion.¹²

Since 2000 the Korean company Daewoo has been developing underwater gas deposits in the Bay of Bengal off the coast of the western state of Arakan. The Government has greatly expanded military forces in the area to secure the pipeline, and employed forced labour and land confiscation to construct barracks, outposts and other infrastructure for the armed forces. Extortion, violence and other human rights abuses have increased dramatically.¹³

Farming

In December 2005, Burma signed an agreement with Thailand setting aside 17.5 million acres for the production of sugarcane, palm oil, maize, cassava and rubber to supply Thai factories.¹⁴ To fulfil the agreement, the military regime confiscated land in Shan and Kachin states.¹⁵ With SPDC assistance, the pro-junta Yuzana Company seized over 200,000 acres of land in the Hukawng Valley for the project.¹⁶ Other land confiscations for a variety of purposes are taking place throughout the country, depriving hundreds of thousands of people of their livelihood.

Child labour and child soldiers

Burma ratified the Convention on the Rights of the Child (CRC) in 1991. As signatory of the CRC, Burma has a responsibility to respect the rights of children and fulfil its obligations. It doesn't. In fact, it frequently puts children to work on development projects and forces children into the army as well, sometimes through beatings and threats. Human Rights Watch estimates that country has 70,000 child soldiers.¹⁷

Children have no State protection from exploitation by private enterprises, either. Many work to help their families to survive. Employers frequently hire them to work at teashops, restaurants, construction sites, and as domestic servants, because they will do the job for less than adults. Children who should be in school instead wander through train and bus stations selling water, cigarettes, newspapers and journals.¹⁸

Gender inequality and women's rights

Not a single woman holds a high Government position. Their absence reflects traditional male prejudices, as well as SPDC policy. Unable to find employment elsewhere, hundreds of thousands of Burmese women seek jobs in border towns, mainly

in the sex industry.¹⁹ From there, they are easily trafficked to neighbouring countries as foreign brides or prostitutes.

The military regime signed the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) in 1997, obligating the Government to protect and promote the rights of women and provide them with adequate social security. Even so, the government has not taken any effective action to prevent the abuse and trafficking of women, nor has it done anything to fulfil its CEDAW obligation to establish programs that promote the empowerment of women.

Ethnic minorities and linguistic rights

Burma is a multi-ethnic nation with more than 100 spoken languages. The Government has never provided instruction in ethnic languages, let alone the literature of these minorities. Ethnic groups have kept their literature alive by teaching it in monasteries and churches at their own expense. In some cases, the authorities have banned these efforts at cultural preservation. Some observers and critics label this oppression "Burmanization".

Conclusion

All of the problems cited above reflect the absence of rule of law. Accountable and transparent governance, as well as institutional reform and administrative reform, are all prerequisites for the fulfilment of human rights. The success of a market-based economy requires that the Government cease its unbridled intervention.

Civil society is weak in Burma in comparison to neighbouring countries. The 1988 Law Relating to the Formation of Organizations restricts its growth. As a result, the country has no civil society campaigns to demand that the Government fulfil the needs of the people. International monitoring mechanisms are needed to ensure that people obtain the full benefits of foreign aid, rather than whatever is left over after the Government takes its cut. In addition, the country urgently a comprehensive development program that promotes human resource development, job creation, poverty reduction and social sector development. To be fully effective these policies must be formulated by the entire population, including socially disadvantaged groups and ethnic minorities. ■

7 Global Witness (2005). "A Choice for China: Ending the destruction of Burma's northern frontier forests", available at: <www.globalwitness.org/reports/index.php?section=burma>.

8 Ningrang Tu Nan (n.d.). "Ecological Crisis: A Kachin Experience". KachinNet, available at: <www.kachinnet.com/Article/2007/ECOLOGICAL%20CRISIS%20A%20Kachin%20Experience.htm>.

9 Human Rights Watch (July 2008). "Burma's Gem Trade and Human Rights Abuses". Available at: <hrw.org/english/docs/2008/01/11/burma17729.htm>.

10 *Ibid.*

11 Salween Watch 2007, Volume 1, pp. 1, 3.

12 <www.earthrights.org/site_burbs/yadana_natural_gas_pipeline_project.html>.

13 "Shwe Gas Report" by All Arakan Students and Youth Congress. July 2006, p. 22.

14 <ethnicvoices.civiblog.org/blog/Thailand>

15 Shan Herald Agency for News, 25 January 2006.

16 Kachin News Group, 17 August 2007.

17 *Ibid.*

18 *Ibid.*

19 Kachin Women Association Thailand (2005). "Driven Away", pp. 18, 20.