



FOURTH ITEM ON THE AGENDA

Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)**Addendum 2**

1. Since the finalization of document GB.285/4(Add.), the Liaison Officer has had a number of meetings that will be of interest to the Governing Body.¹
2. *Meeting with the Minister for Home Affairs.* A meeting on 8 November with the Minister for Home Affairs provided the Liaison Officer with the opportunity to reiterate and expand on some of the points that she had discussed in her earlier meeting with the Minister for Labour.² Her priorities were to achieve progress on the implementation of the Orders that had been adopted and on the establishment of a credible and effective mechanism for the investigation of allegations. In particular, a way needed to be found to address allegations that concerned the army. In this regard it was vital for the Liaison Officer to have contacts with a competent person from the army.³ Prosecution and sanctioning of offenders would also send an important signal, whereas only administrative action had been taken so far. The Minister welcomed the appointment of the Liaison Officer, and saw such cooperation with international organizations as a way to achieve greater progress. Previously, the Government had not agreed with the ILO criticism, as it had considered that the development projects it was engaged in were for the good of the people, and it had few

¹ Meetings were held between 7 and 14 November with Secretary-1 of the State Peace and Development Council, the Ministers for Foreign Affairs and Home Affairs, the Implementation Committee, the Director-General of the Department of Labour, and the Union of Myanmar Federation of Chambers of Commerce and Industry. The Liaison Officer also had the opportunity during this period to meet with the United Nations Secretary-General's Special Envoy for Myanmar, Ambassador Tan Sri Razali Ismail, during his visit to the country from 12 to 16 November.

² See GB.285/4(Add.), para. 2.

³ One Minister had earlier informed the interim Liaison Officer that the Inspector-General of the armed forces might be an appropriate contact in this regard.

resources to implement them. But its way of thinking had now changed, and it realized that these practices were no longer appropriate. However, the international community needed to have greater understanding and patience, as it was necessary to proceed step by step. In reply, the Liaison Officer stressed that in her view the international community understood the difficulty of the problem. However, for it to be willing to give the authorities the time and resources needed to solve it they first needed to give a credible demonstration of their will to genuinely address the issue.

3. *Meeting with the Implementation Committee.* In a meeting on 9 November with the Implementation Committee, the Liaison Officer was able to follow up on the allegations transmitted by the interim Liaison Officer in letters dated 23 July, 7 August and 4 October.⁴ The Committee briefed the Liaison Officer on the various places in the country that its members had travelled to in order to disseminate information and learn about the situation on the ground. As regards the specific allegations, the Committee indicated that the situation in northern Rakhine State had been thoroughly investigated, and the allegations had been found to be false, as had the allegations concerning requisition of vehicles in Mon State. No investigations had been made of the Amnesty International allegations, or the allegations relating to the construction of an artillery base in Mon State. The Liaison Officer stressed the need for written reports of such investigations. The need for this was underlined by the fact that the information provided by the Committee concerning northern Rakhine State was not consistent with a separate response given by the authorities to UNHCR on the same issue. The Liaison Officer then raised a number of new allegations that had been communicated to her, and which the Committee should investigate.⁵ The allegation concerning the killing of a trade unionist was particularly disturbing, and she urged the Committee to investigate and provide a written report on this as a matter of urgency. As regards the serious allegations of forced recruitment of children into the army, this was a matter which required detailed further discussions, together with UNICEF and other relevant organizations, in order to develop an appropriate response. The Committee replied that the allegation concerning the killing of the trade unionist emanated from an insurgent group that made many such allegations, and it was difficult to respond to all of them. The Government had already responded to the allegations concerning child soldiers by underlining that this was not a practice in Myanmar. The allegation of forced labour in Bago Division would certainly be investigated.
4. *Meeting with the Minister for Foreign Affairs.* In a meeting on 12 November, the Liaison Officer was able to reiterate the points that she had made to the Ministers for Labour and Home Affairs, in particular the need for progress on the implementation of the Orders. In this regard it was necessary for her to have direct contacts with the army. The Minister for Foreign Affairs welcomed the appointment of the Liaison Officer, which he saw as the first step towards the establishment of a full ILO representation. He stressed that the authorities had no policy of using forced labour, although they realized that the practice may be continuing in remote areas, and they understood the need for prosecution of offenders.

⁴ See GB.285/4, para. 10.

⁵ These new allegations, some details of which had been communicated to the Implementation Committee by the Liaison Officer in advance of the meeting, related to the forced recruitment of child soldiers (contained in recent reports by UNICEF and Human Rights Watch), the killing of a trade unionist while he was being forced to work as a porter (transmitted to the ILO Director-General by the ICFTU), a number of other specific allegations contained in information recently submitted to the Committee of Experts by the ICFTU, and information on forced labour in two towns in Bago Division that was reported by a reliable source in Myanmar. The Liaison Officer transmitted further details of these allegations to the Implementation Committee in a follow-up letter dated 14 November.

5. *Meeting with Secretary-1 of the State Peace and Development Council (SPDC).* On 14 November, the Liaison Officer was received by General Khin Nyunt, Secretary-1 of the SPDC. General Khin Nyunt underlined the fact that the Liaison Officer was free to visit any place that she wished. He encouraged her to visit as many places as she could in order to see the situation, and offered any assistance that might be required to facilitate such visits. He stressed that the authorities did not condone forced labour and had given clear instructions prohibiting it, although it was of course possible that such practices still occurred in remote areas. The Liaison Officer indicated that some very important steps had been taken by the authorities, but that more needed to be done. The existing system for investigating allegations, in the form of the Implementation Committee, needed to be improved and, crucially, a way also needed to be found to investigate allegations concerning the army. Careful preparation and progress on a concrete plan of action, which addressed these and other issues, was needed prior to any visit of a high-level ILO mission. Such a plan of action could include a technical assistance project which addressed the forced labour problem, and further consideration should be given to this issue. General Khin Nyunt invited the Liaison Officer to have discussions on the plan of action with the Minister for Labour.

6. As this report was being finalized, a letter dated 15 November was received from the Director-General of the Department of Labour informing the Liaison Officer of three developments: a high-ranking officer from the Office of the Inspector-General of the Ministry of Defence would be included in the Implementation Committee; the Orders prohibiting forced labour had been translated into three ethnic languages (and would shortly be translated into a further three); and pamphlets would be produced in order to give further publicity to the prohibition on forced labour.

Geneva, 15 November 2002.

Appendix

**Communication dated 15 November 2002
from Soe Nyunt, Director-General of the
Department of Labour, Myanmar, to
Ms. Hông-Trang Perret-Nguyen
ILO Liaison Officer**

Subject: *Developments on Convention No. 29*

Dear Madame,

I am giving you this information before you depart for Geneva. It is necessary, I think, that you should know the latest developments since I look forward to forge close friendship and to establish it we need to have full understanding of each other at the working level.

Very recently, we achieve three developments concerning eradication of forced labour –

1. Within the matter of days we are going to disseminate the authentic translation of Order 1/99 and Order Supplementary to Order 1/99 in Shan, Mon and Kayin languages. At the same time translations of above Orders into Kayah, Chin and Kachin languages are in progress. They will also be published very soon.
2. It is decided that the Implementation Committee will be expanded to include a high-ranking official from Office of the Inspector-General under the Ministry of Defence.
3. In order to publicize about Convention No. 29 a pamphlet on forced labour is being prepared.

I hope that the above developments will be of use to you in your discussion with Committee of Experts. Also, these will be included in our Supplementary Report to the Committee of Experts.

Yours sincerely,

(Signed) Soe Nyunt,
Director-General.

cc: (1) Ministry of Labour;
(2) Office copy.