



SEVENTH ITEM ON THE AGENDA

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

**Report of the Liaison Officer a.i.**

*Addendum*

1. Since the finalization of document GB.292/7/2, a number of additional developments have taken place which may be of interest to the Governing Body.

**Developments following the visit of the vHLT**

2. The Myanmar Prime Minister, Lt. Gen. Soe Win, wrote to Sir Ninian Stephen on 10 March. This letter is reproduced in the appendix.
3. In a meeting with the Liaison Officer a.i. on 11 March, the Director-General of the Department of Labour reinforced the fact that there had been close cooperation between the Government of Myanmar and the Liaison Officer a.i. on individual cases, which had resulted in a number of prosecutions. He also indicated that the Office of the Commander-in-Chief (army), had ordered the creation of a focal point in the army to facilitate cooperation with the ILO on cases concerning the military. The focal point was to be the Vice-Adjutant General, Col. Khin Soe, assisted by seven grade-1 staff officers.<sup>1</sup> These elements were contained in a 56-page "Memorandum on Myanmar's compliance of ILO Convention 29 and her cooperation with ILO" which he provided to the Liaison Officer a.i. at the end of the meeting.<sup>2</sup> The Memorandum also contained a detailed account of the history of relations between the ILO and Myanmar and the views of the authorities on the various developments that had taken place. These latter details formed the basis of a

<sup>1</sup> It was indicated that this order from the Office of Vice-Senior General Maung Aye was transmitted in letter ref. 865/18-ka/003 dated 1 March 2005. Grade-1 staff officers normally have the rank of lieutenant colonel.

<sup>2</sup> Copies of this Memorandum can be made available by the Office.

Government press conference held on 15 March concerning “the arbitrary pressure put on Myanmar by ILO”, which was reported at length in the state press the following day.<sup>3</sup>

## **Developments concerning allegations raised by the Liaison Officer a.i.**

4. In letters to the Liaison Officer a.i., dated 21 February and 7, 9 and 11 March, the authorities provided further details as regards action taken on cases of forced labour that he had raised:

- As regards the allegation of forced labour on a teak plantation in Tamu (Sagaing Division), on which the authorities had already instituted proceedings against a Forestry Department official,<sup>4</sup> it was indicated that on 18 February the court had found the official guilty under section 409 of the Penal Code (misappropriation of funds) and sentenced him to a two-year prison term.
- As regards the allegation of forced labour for the road from Kalewa to Mawlaik (Sagaing Division), on which the authorities had also instituted separate proceedings against a local official,<sup>5</sup> it was indicated that also on 18 February the court had found this official guilty under section 374 of the Penal Code (illegal requisition of labour) and sentenced him to an eight-month prison term.
- As regards the allegation of forced labour imposed by the army for a land reclamation project in Toungup township (Rakhine State), on which the authorities had already stated that action was being taken against civilian officials found to have been involved,<sup>6</sup> it was indicated that two local officials had been found guilty and sentenced to six-month prison terms by the township court on 28 February. No information was provided regarding any action against the army unit implicated in the allegation.
- As regards the allegation of forced labour imposed by the same army unit in Toungup township (Rakhine State) for the collection of firewood, on which the authorities had already stated that action was being taken against local officials found to have been responsible,<sup>7</sup> it was indicated that two local officials had been found guilty in a separate case and also sentenced to six-month prison terms on 28 February. Again, no information was provided regarding any action against the army unit implicated in the allegation.
- As regards the allegation of forced labour imposed by the police and local authorities in Mawlamyinegyun township (Ayeyawady Division) for the cultivation of police land,<sup>8</sup> it was indicated that although the investigation found the incident did not

<sup>3</sup> See *New Light of Myanmar*, 16 March 2005, “Big nations of west bloc use ILO as political forum to put pressure on Myanmar in order to install their puppet government in power”, pp. 6, 7, 10, 11, 13, 14, 15 and 16. (Copies of the article are on file and can be made available by the Office.)

<sup>4</sup> See GB.292/7/2, paras. 13 and 14.

<sup>5</sup> *ibid.*

<sup>6</sup> See GB.292/7/2, para. 14.

<sup>7</sup> See GB.292/7/2, paras. 13 and 14.

<sup>8</sup> See GB.292/7/2, para. 13.

amount to forced labour, three police officers and two local officials were responsible for certain wrongdoings, and administrative action was being taken against them.

5. With regard to his intervention dated 15 February concerning the alleged forced recruitment of a boy in January 2005,<sup>9</sup> the Liaison Officer a.i. can report that the boy was released on 28 February and is back in the care of his family.
6. On 14 March, the Liaison Officer a.i. wrote to Col. Khin Soe, the newly-designated focal point in the army, requesting a meeting. He also transmitted to Col. Khin Soe two allegations of forced recruitment of minors that he had just received. He can report that the two children concerned were released back into the care of their families the following day.

Yangon, 16 March 2005.

<sup>9</sup> See GB.292/7/2, paras. 13 and 14.

## Appendix

### Letter dated 10 March from the Myanmar Prime Minister to Sir Ninian Stephen

Dear Sir Ninian,

I have the honour of writing to you in reference to the visit of the very High-Level Team (vHLT) that you headed to Myanmar during the fourth week of February of this year.

I was given the duty of receiving the vHLT as the leadership was engaged with the National Convention that had been recently reconvened. As you may be aware the Convention is the first and most crucial step of the seven point Road Map for a transition to democracy in Myanmar. The success or failure of the National Convention will determine the future of my country. I cannot but stress the importance that we attach to the process.

I appreciated the opportunity of meeting with your goodself and the eminent members of the team. In the course of the meeting I explained to you the socio-economic situation and the progress that country had achieved. I also took the opportunity to underline the process of cooperation between Myanmar and the ILO on the issue of forced labour. We have stated on several occasions in the past that we are committed to the elimination of the vestiges of forced labour in close cooperation with ILO. I wish to reassure you that we are against forced labor and are committed to this principle.

Myanmar has cooperated with the United Nations and its Specialized Agencies in the past and will continue to do so also in the future. In like manner Myanmar intends to continue its cooperation with the ILO.

As regards the aide memoire presented to the Honourable Minister for Foreign Affairs by the vHLT, we are willing to give it careful consideration.

I avail myself of this opportunity to convey to you, Sir Ninian, the assurances of my highest consideration.

I remain,

Yours sincerely,

*(Signed)* Lt. Gen. Soe Win

cc: Her Excellency Mme Ruth Dreifuss, member of the vHLT  
The Honourable Eui-yong Chung, member of the vHLT  
His Excellency Mr. Juan Somavia, Director-General of the Office of the ILO