



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)****Report of the High-Level Team (HLT)*****Contents***

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Appendix I

Understanding on an ILO objective assessment

Recalling previous discussions which were reported to the Governing Body at its March 2001 session relating to the possibility of an objective assessment being carried out by the ILO with respect to the practical implementation and actual impact of the framework of legislative, executive and administrative measures reported by the Government, within the overall objective of the complete elimination of forced labour in law and in practice;

Recognizing now the desirability of such an assessment being carried out as soon as practicable;

Noting the importance in this connection of the observation made by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 2001 report;

Aware of the need to respect the sovereign right of the country as well as the independence of the Organization in the discharge of its functions;

The Government of Myanmar agrees to receive a high-level team (HLT) to carry out an objective assessment under the following conditions designed to ensure its credibility:

1. The team will be composed of high-level persons appointed by the ILO Director-General on the basis of their recognized qualifications, impartiality and knowledge of the region.
2. Taking into consideration seasonal weather conditions, the assessment shall be carried out in September 2001. The time needed to carry out the assessment in Myanmar could involve up to three weeks.
3. The members of the HLT shall enjoy, for the purpose and duration of the mission, the same protection and status accorded to officials of comparable ranks in the United Nations.
4. The HLT shall have complete discretion to establish and implement its program of work, meetings and visits, taking into account the indications provided, inter alia, in the aforementioned observation of the Committee of Experts on the Application of Conventions and Recommendations, and subject only to valid considerations of security. For this purpose, the HLT shall be accorded full cooperation from the relevant Myanmar authorities. During the establishment and implementation of the HLT's programme, the HLT and the Government may call upon the assistance of a facilitator recognized by all parties concerned as being a knowledgeable and fair intermediary.
5. Based on the results of the assessment, the HLT may provide such advice and comments as it deems appropriate.
6. The report of the HLT will promptly be made available to the Director-General and the Government and transmitted to the Governing Body for consideration at its November 2001 session.

19 May 2001.

(Initialed) U. Soe Nyunt,
Chairman of the Myanmar,
Negotiating Team.

Francis Maupain.

Appendix II

Biographical information of the members of the HLT

The Right Honourable Sir Ninian STEPHEN, KG, AK, GCMG, GCVO, KBE (Australia),

former Governor-General of Australia; former Justice of the High Court of Australia; former Chairman, Strand Two of the Talks on Northern Ireland; former Judge of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda; former Commonwealth of Nations Special Envoy to Bangladesh; Former Chairman, United Nations Expert Group on Cambodia; Former Australian Special Ambassador for the Environment; former Chairman, Constitutional Centenary Foundation, Antarctic Foundation, National Library of Australia, Australian Banking Industry Ombudsman Council, Australian Citizenship Council; Chair, Australian Blood and Blood Products Review; member of the Ethics Commission of the International Olympic Committee.

Ms. Nieves ROLDAN-CONFESOR (Philippines),

former Philippines Secretary of Labour and Employment; former Presidential Adviser on International Labour Affairs; former Chair, ILO Governing Body; former director of the Philippine National Bank, the Landbank of the Philippines; board member of the Social Security System Commission; Chairperson, National Wages and Productivity Commission, the Technical Education and Skills Development Authority, the Philippine Agrarian Reform Council, and the National Economic Development Authority; former head of the Panel of Experts to the Congressional Commission to amend the Labour Code; former Chair, ASEAN Labour Ministers' Meeting; Expert-adviser to the ILO Governing Body on the follow up to the ILO Declaration on Fundamental Principles and Rights at Work; member of the Operating Council of the Global Alliance for Workers and Their Communities; consultant/expert/external collaborator to the World Bank, the Asian Development Bank, the UNDP, the ILO, the ASEAN Secretariat, and various national and regional institutes and NGOs on social policy, social protection strategies, human resource development, institutional reform and governance, conflict prevention, and management; faculty, Asian Institute of Management (Philippines).

Mr. Kulatilaka Arthanayake Parinda RANASINGHE (Sri Lanka),

retired Chief Justice of Sri Lanka; former member of Judicial Tribunal to inquire into allegations made against the then Head of the Judiciary of Malaysia; former Visiting Expert, United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, Tokyo; member of several Arbitral Tribunals dealing with Commercial Arbitration; President, Sri Lanka Chapter of the Asia Crime Prevention Foundation.

Mr. Jerzy MAKARCZYK, LL.D (Poland),

Judge, European Court of Human Rights; Professor of Public International Law, Institute of Legal Sciences, Polish Academy of Sciences; former Deputy Minister of Foreign Affairs; former Secretary of State, Ministry of Foreign Affairs; in charge of negotiations with USSR and then Russia on withdrawal of troops from Polish territory; in charge of negotiations for the admission of Poland to the Council of Europe; former President, International Law Association; member, Institute of International Law; has given lectures, seminars and acted as a consultant at various universities in Japan, South Korea, Sri Lanka, India, Thailand and the Philippines.

Appendix III

Communication dated 31 August 2001 from the HLT to the Minister for Foreign Affairs of Myanmar

Dear Minister,

In my capacity as Chairperson of the ILO High-Level Team, I am pleased to confirm, after consultations with the Permanent Mission of Myanmar in Geneva, that the Team will arrive in Yangon in the morning of 17 September and will spend the first week in the capital. We will then be in a position to give you further details concerning our plans for the following two weeks.

I also wish to inform you that the Team discussed other arrangements, and in particular the matter of precautionary measures as regards persons whom the Team may wish to contact, which was raised in the letter dated 28 August 2001 from the ILO Director-General to Ambassador Mya Than. In this connection, the Team asked me to seek confirmation of a solemn commitment on the part of the authorities of Myanmar which would be made through us to the international community that no action of any kind will be taken against persons or their families, or organizations, who may directly or indirectly contribute information to the Team or to the discharge of its mandate, nor indeed seek to identify such persons. This protection extends, but is of course not limited to, the fact that the authorities should not seek to interfere with arrangements by the Team to meet certain persons in private.

The High-Level Team also came to the conclusion that the most efficient way to carry out its mandate would be to have a chartered plane at its disposal in Myanmar. Accordingly an aircraft will be chartered in the region and the cooperation of the authorities will obviously be required so that the plane and its crew can go about their duties in a safe and efficient manner. We trust that, with your kind cooperation, the High-Level Team will thus be able to travel at the time it wishes to the places that it identifies.

I am looking forward to the opportunity of meeting you in Yangon.

Yours sincerely,

(Signed) Sir Ninian Stephen,
Chairperson, ILO High-Level Team.

Appendix IV

Communication dated 7 September 2001 from the Permanent Mission of Myanmar to Sir Ninian Stephen

Your Excellency,

I wish to refer to your letter Ref: BIT/ILO of 31 August 2001, addressed to the Minister for Foreign Affairs of the Union of Myanmar, in which you have stated that the High-Level Team wishes to seek the confirmation of a solemn commitment by the Myanmar authorities with regard to the protection of the persons and their families who may contribute information to the Team.

In this connection, on behalf of the Honourable Minister for Foreign Affairs, I wish to confirm that the Government will see to it that any action of concern to the ILO High-Level Team, referred to in the letter under reference, does not take place and that the bona fide implementation of the mandate by the ILO High-Level Team will not be affected in any manner whatsoever.

May I take this opportunity to convey my warm regards to Your Excellency and the members of the High-Level Team.

Please accept, Your Excellency, the assurances of my highest consideration.

(Signed) Mya Than,
Ambassador/Permanent Representative.

Appendix V

Individual observation of the Committee of Experts on the Application of Conventions and Recommendations (2001 report)

Convention No. 29

Myanmar (ratification: 1955)

1. The Committee notes that the Government has not supplied a report on the application of the Convention. Following the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), the Committee has, however, taken note of the following information:
 - the information presented by the Government to the Director-General of the ILO in communications dated 21 January, 20 March, 27 May, 29 October (as supplemented subsequently), and 3, 15 and 17 November 2000;
 - the information submitted to, and the discussions held in, the Governing Body of the ILO at its 277th and 279th Sessions in March and November 2000;
 - the information and discussion at the International Labour Conference at its 88th Session (May-June 2000);
 - the resolution adopted by the International Labour Conference at its 88th Session concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar to secure compliance with the recommendations of the Commission of Inquiry, and the entry into effect of those measures on 30 November 2000, following consideration of the matter by the Governing Body at its 279th Session (November 2000);
 - the resolutions adopted by the General Assembly of the United Nations at its 54th Session (17 December 1999) and by the United Nations Commission on Human Rights at its 56th Session (March-April 2000) on the situation of human rights in Myanmar (extracts in International Labour Conference, 88th Session, Geneva, 2000, [Provisional Record No. 4](#), Annex III);
 - the second report of the Director-General of the ILO to the members of the Governing Body on measures taken by the Government of Myanmar, dated 25 February 2000;
 - the interim report prepared by judge Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, dated 22 August 2000 [UN document A/55/359]; and the note by the Secretary-General of the United Nations on the same subject, dated 20 October 2000 [UN document A/55/509];
 - the reports of the ILO technical cooperation missions to Myanmar of May 2000 [ILC, 88th Session, Geneva, 2000, [Provisional Record No. 8](#)] and October 2000 [[GB.279/6/1](#) and [Add.1](#)];
 - a communication dated 15 November 2000 in which the International Confederation of Free Trade Unions submitted to the ILO voluminous documentation referring to the imposition of forced labour in Myanmar during the period June-November 2000, a copy of which was sent to the Government for such comments as it may wish to present;
 - a press release issued on 17 November 2000 by the Ministry of Foreign Affairs of the Union of Myanmar in Yangon, and an information sheet issued by the Myanmar Information Committee in Yangon on a press conference held on 18 November 2000 by the Government on the decision of the ILO Governing Body to activate measures on the subject of Myanmar.
2. Information available on the observance of the Convention by the Government of Myanmar will be discussed in three parts, dealing with: (i) the amendment of legislation; (ii) any measures taken by

the Government to stop the exaction in practice of forced or compulsory labour and information available on actual practice; (iii) the enforcement of penalties which may be imposed under the Penal Code for the exaction of forced or compulsory labour.

I. Amendment of legislation

3. In paragraph 470 of its report of 2 July 1998, the Commission of Inquiry noted:

... that section 11(d), read together with section 8(1)(g), (n) and (o) of the Village Act, as well as section 9(b) of the Towns Act provide for the exaction of work or services from any person residing in a village tract or in a town ward, that is, work or services for which the said person has not offered himself or herself voluntary, and that failure to comply with a requisition made under section 11(d) of the Village Act or section 9(b) of the Towns Act is punishable with penal sanctions under section 12 of the Village Act or section 9(a) of the Towns Act. Thus, these Acts provide for the exaction of “forced or compulsory labour” within the definition of Article 2(1) of the Convention.

The Commission of Inquiry further noted that the wide powers to requisition labour and services under these provisions do not come under any of the exceptions listed in Article 2, paragraph 2, of the Convention and are entirely incompatible with the Convention. Recalling that the amendment of these provisions had been promised by the Government for over 30 years, the Commission urged the Government to take the necessary steps to ensure that the Village Act and the Towns Act be brought into line with the Convention without further delay, and at the very latest by 1 May 1999 (paragraph 539(a) of the Commission’s report).

4. In its previous observation, the Committee noted that by the end of November 1999, neither the Village Act nor the Towns Act had been amended, nor had any draft law proposed or under consideration for that purpose been brought to the knowledge of the Committee. However, an “Order Directing Not to Exercise Powers Under Certain Provisions of the Town Act, 1907 and the Village Act, 1907” (No. 1/99) was issued by the Government on 14 May 1999, which in fact still reserved the exercise of powers under the relevant provisions of the Village Act and the Towns Act which remain incompatible with the requirements of the Convention.
5. The Committee notes from the report of the October 2000 ILO technical cooperation mission to Myanmar (GB.279/6/1, paragraphs 9 and 10, Annexes 13 and 19) that a draft text providing for the amendment of the Village Act and the Towns Act through an amendment of Order No. 1/99 was not retained by the Government. However, the same report (in Annex 19) reproduces the English text of an “Order Supplementary Order No. 1/99” made by the Ministry of Home Affairs under the direction of the State Peace and Development Council on 27 October 2000 which modifies Order No. 1/99 so as to order “responsible persons including members of the local authorities, members of the armed forces” etc. “not to requisition work or service notwithstanding anything contained” in the relevant sections of the Towns and Village Acts, except in cases of emergency as defined in Article 2(2)(d) of the Convention (GB.279/6/1, Annex 19). The Burmese text of this Order of 27 October, which was to be published in the Myanmar Gazette, has not yet been supplied to the ILO.
6. The Committee observes that the amendment of the Village and Towns Acts sought by the Commission of Inquiry as well as the present Committee and promised by the Government for many years has not yet been made. It again expresses the hope that the Village Act and the Towns Act will at last be brought into conformity with the Convention.
7. The Committee nevertheless notes that Order No. 1/99 as supplemented by the Order of 27 October 2000 could provide a statutory basis for ensuring compliance with the Convention in practice, if given effect bona fide not only by the local authorities empowered to requisition labour under the Village and Towns Acts, but also by civilian and military officers entitled to call on the assistance of local authorities under the Acts. This, in the view of the Committee, calls for further measures to be undertaken, as indicated by the Commission of Inquiry in its recommendations in paragraph 539(b) of its report.

II. Measures to stop the exaction in practice of forced or compulsory labour and information available on actual practice

A. *Measures to stop the exaction in practice of forced or Compulsory labour*

8. In its recommendations in paragraph 539(b) of its report of July 1998, the Commission of Inquiry indicated that steps to ensure that in actual practice no more forced or compulsory labour be imposed by the authorities, in particular the military, were:

... all the more important since the powers to impose compulsory labour appear to be taken for granted, without any reference to the Village Act or Towns Act. Thus, besides amending the legislation, concrete action needs to be taken immediately for each and every of the many fields of forced labour examined in Chapters 12 and 13 [of the Commission's report] to stop the present practice. This must not be done by secret directives, which are against the rule of law and have been ineffective, but through public acts of the Executive promulgated and made known to all levels of the military and to the whole population. Also, action must not be limited to the issue of wage payment; it must ensure that nobody is compelled to work against his or her will. Nonetheless, the budgeting of adequate means to hire free wage labour for the public activities which are today based on forced and unpaid labour is also required ...

9. The Committee notes from the report of the October 2000 ILO technical cooperation mission to Myanmar, the suggestion made by the mission of a Supplementary Order or directive from the Office of the Chairman of the State Peace and Development Council concerning requisition of labour or services (GB.279/6/1, Annex 13). The suggested text was to order all state authorities, including military, police and civilian authorities and their officers, not to requisition persons to provide labour or services for any purpose, nor to order others to requisition such labour or services, regardless of whether or not payment is made for said labour or services, except in cases of emergency as defined in Article 2(2)(d) of the Convention. The suggested prohibition was to include but not be limited to the requisition of labour or services for the following purposes:
- (a) portering for the military (or other military/paramilitary groups, for military campaigns or regular patrols);
 - (b) construction or repair of military camps/facilities;
 - (c) other support for camps (such as guides, messengers, cooks, cleaners, etc.);
 - (d) income generation by individuals or groups (including work in army-owned agricultural and industrial projects);
 - (e) national or local infrastructure projects (including roads, railways, dams, etc.);
 - (f) cleaning/beautification of rural or urban areas.

Similar prohibitions were to apply to the requisition of materials or provisions of any kind and to demands of money except where due to the State or to a municipal or town committee under relevant legislation. Furthermore, the suggested text was to provide that if any state authority or its officers requires labour, services, materials or provisions of any kind and for any purpose, they must make prior budgetary arrangements to obtain these by a public tender process or by providing market rates to persons wishing to supply these services, materials or provisions voluntarily, or wishing to offer their labour.

10. The Committee notes that the text suggested by the mission was not adopted, but that the English versions of several instructions dated 27 and 28 October 2000 and 1 November 2000 were forwarded to the ILO after the departure of the mission and reproduced in addenda to the mission's report (GB.279/6/1(Add.1)(Rev.1) and (Add.2)).
11. The instruction dated 27 October 2000 "Prohibiting Requisition of Forced Labour" is signed for the Director-General of the Police Force and addressed to all units of the police force. The instruction dated 28 October 2000 on the same subject is addressed by the Director-General of the General Administration Department of the Ministry of Home Affairs to all State/Divisional Commissioners and General Administration Departments and requires, inter alia, Order No. 1/99 and the order supplementing it to be displayed separately on noticeboards of all the levels of peace and development councils as well as the General Administration Departments.

12. The instruction dated 1 November 2000 “Prohibiting Requisition of Forced Labour” is signed at the highest level, by Secretary-1 of the State Peace and Development Council, and addressed to the Chairmen of all State and Divisional Peace and Development Councils. The latter instruction thus reaches beyond institutions that come under the authority of the Ministry of Home Affairs. It is, however, primarily directed to the enforcement of Order No. 1/99 and the Order of 27 October 2000 supplementing it, which are limited in scope to the requisition of forced labour under the Village Act and the Towns Act, i.e. not by civilian or military state officers but by local authorities, who may requisition labour under the Acts when called upon to provide assistance to civilian and military state officers. Nevertheless, the instruction dated 1 November interprets the Supplementing Order of 27 October 2000 as follows:

2. ... The Supplementing Order renders the requisition of forced labour illegal and stipulates that it is an offence under the existing laws of the Union of Myanmar. Responsible persons, including the local authorities, members of the armed forces, members of the police force and other public service personnel are also prohibited not to requisition forced labour and are instructed to supervise so that there shall be no forced labour.

It would appear to the Committee that a bona fide application of this prohibition should cover the typical case of members of the armed forces who order local authorities to provide labourers, even if the manner of complying with such order – through requisition or hiring of labourers or otherwise – is left to the local authorities.

13. The instruction dated 1 November 2000 continues as follows:

3. Therefore, it is hereby directed that the state and divisional peace and development councils shall issue necessary instructions to the relevant district and township peace and development councils to strictly abide by the prohibitions contained in Order No. 1/99 and the Supplementing Order of the Ministry of Home Affairs and also to effectively supervise to ensure that there shall be no forced labour within their respective jurisdictions.

4. Responsible persons, including members of the local authorities, members of the armed forces, members of the police force and other public service personnel who fail to abide by the said Order No. 1/99 and the Supplementing Order shall be prosecuted under section 374 of the Penal Code or any other existing laws.

It would appear to the Committee that again, as set out in paragraph 12 above, a bona fide application of the instruction would include, in the scope of point 4 of the instruction, members of the armed forces who order local authorities to supply labour.

14. It remains to be seen whether the “necessary instructions” yet to be issued by the state and divisional peace and development councils under point 3 of the instruction of 1 November will contain the kind of details necessary for a feasible implementation. Such details were set out by the Commission of Inquiry in paragraph 539(b) of its report and included by the October 2000 technical cooperation mission in its suggestion mentioned in paragraph 9 above.

15. The three instructions forwarded so far to the ILO do not yet contain any positive indication on the manner in which authorities that have been used to rely on forced and unpaid labour contributions of the population are hereafter to make realistic provision for the labour and services they may require.

16. Furthermore, the three instructions do not spell out the various forms of forced labour found by the Commission of Inquiry and this Committee to be mainly imposed in practice, as listed in paragraph 9 above. In this regard, the Committee recalls that most of the forms of forced labour or services requisitioned concerned the military. The Committee notes that “members of the armed forces” are specifically included among the responsible persons listed in point 4 of the instruction dated 1 November 2000 (quoted in paragraph 13 above). However, in point 3 of the same instruction, the order to issue the necessary further – and, hopefully, more detailed – instructions is addressed to the state and divisional peace and development councils (which in fact include officers of the armed forces), but not to the regional commanders of the armed forces in their military capacity.

17. In the absence of specific and concrete instructions to the civilian and military authorities containing a description of the various forms and manners of exaction of forced labour, the application of the provisions adopted so far turns upon the interpretation in practice of the notion of “forced labour”. This cannot be taken for granted, as shown by the various Burmese terms used sometimes when labour was exacted from the population – including “loh ah pay”, “voluntary” or “donated” labour.

The need for clarity on the point is underscored by the Government's recurrent attempts to link the pervasive exaction of labour and services by mainly military authorities to merit which may be gained in the Buddhist religion from spontaneously offered help. The Commission of Inquiry recalled in paragraph 539(c) of its report that "the blurring of the borderline between compulsory and voluntary labour, recurrent throughout the Government's statements" was "all the more likely to occur in actual recruitment by local or military officials".

18. Thus, clear instructions are still required to indicate to all officials concerned, including officers at all levels of the armed forces, both the kinds of tasks for which the requisition of labour is prohibited, and the manner in which the same tasks are henceforth to be performed. The Committee hopes that the necessary detailed instructions will soon be issued, and that, in the words of paragraph 539(b) of the Commission of Inquiry's report, provision will also be made for "the budgeting of adequate means to hire free wage labour for the public activities which are today based on forced and unpaid labour".

B. Information available on actual practice

(a) The practice August 1998 to December 1999

19. In his reports dated 21 May 1999 and 25 February 2000 to the members of the Governing Body, the Director-General indicated that all information on actual practice that was received (from workers' and employers' organizations, intergovernmental organizations and governments of member States of the ILO) in reply to his requests, referred to continued widespread use of forced labour by the authorities, in particular by the military.

(b) Information on the practice up to November 2000

20. In its communication dated 15 November 2000, the ICFTU refers to the persistence of severe breaches of the Convention by the military authorities. Documentary appendices enclosed by the ICFTU represent over 1,000 pages drawn from over 20 different sources and include reports, interviews of victims; over 300 forced labour orders, photographs, video recordings and other material. A few events described therein took place in the first half of the year 2000; an overwhelmingly large proportion of the documents concerns the period June to November 2000.
21. An essential part of the ICFTU submission consists of hundreds of "forced labour orders", issued mainly by the army but also by armed groups under its control and elements of the local administration. As stated by the ICFTU, these are similar in kind, shape and contents to the orders already examined by the Commission of Inquiry and the regular ILO supervisory mechanisms and found by same to be authentic. Documentary materials submitted refer to the persistence on a large scale of forced portering, including by women, and the murder of forced porters no longer able to carry their burden. In addition to forced portering, all other forced labour practices identified previously by the Commission of Inquiry are referred to for the period June to November 2000. A great number of specific reported instances include forced labour for the building and maintenance of roads, bridges, railroads, water canals, dikes, dams and reservoirs, as well as for the building, repair, maintenance and servicing of army camps; and the requisition of labour as well as seeds, fertilizer, materials and equipment for army-held agricultural land, forests and installations.
22. As indicated above, copies of the ICFTU communication of 15 November 2000, including the voluminous documentation submitted, were sent to the Government for such comments as it may wish to present.

III. Enforcement

23. In paragraph 539(c) of its recommendations the Commission of Inquiry urged the Government to take the necessary steps to ensure:

... that the penalties which may be imposed under section 374 of the Penal Code for the exaction of forced labour or compulsory labour be strictly enforced, in conformity with Article 25 of the Convention. This requires thorough investigation, prosecution and adequate punishment of those found guilty.

24. In practice, no action whatsoever under section 374 of the Penal Code has so far been brought to the knowledge of the Committee.

25. The Committee notes that point 4 of the instruction dated 1 November 2000 from the State Peace and Development Council to All State and Divisional Peace and Development Councils, reproduced in paragraph 13, provides for the prosecution of “responsible persons” under section 374 of the Penal Code. Similar clauses are included in point 3 of the instruction dated 27 October, and point 6 of the instruction dated 28 October, referred to in paragraph 11 above. Moreover, under points 4 to 6 of the instruction dated 27 October 2000, addressed by the Director-General of the Police Force to all units of the police force:
4. If any affected person files a verbal or written complaint to the police station of having been forced to contribute labour, the latter shall record the complaint in Forms A and B of the police station and send the accused for prosecution under section 374 of the Penal Code.
 5. It is hereby directed that the police stations and units concerned at various levels shall be further instructed to make sure their strict compliance with the said Order as well as to supervise so that there shall be no requisition of forced labour. A copy of the Order Supplementing Order No. 1/99 issued by the Ministry of Home Affairs on 27 October 2000 is enclosed herewith.
 6. It is instructed to acknowledge receipt of this directive and to report back actions taken on the matter.
26. With regard to point 4 of the latter instruction (dated 27 October 2000) the Committee hopes that prosecutions under section 374 of the Penal Code will be brought by the law enforcement agencies on their own initiative, without waiting for complaints by the victims, who may not consider it expedient to denounce the “responsible persons” to the police. The Committee hopes that in commenting on indications that the imposition of forced labour has continued beyond October 2000, the Government will also report on any concrete action taken under section 374 of the Penal Code.
27. The Committee has noted the assurance, in the Government’s letter dated 29 October 2000 to the Director-General of the ILO, of the “political will to ensure that there is no forced labour in Myanmar, both in law and in practice”. It also has taken due note of the Order Supplementing Order No. 1/99 and the three instructions issued between 27 October and 1 November 2000, and of the view of the Employer members of the Governing Body at its 279th Session (November 2000) that this was “too little too late”. At a press conference held 18 November 2000 in Yangon on the decision of the Governing Body of the ILO to activate measures on the subject of Myanmar, the Government indicated that it would no longer cooperate with the ILO in relation to the Forced Labour Convention, 1930 (No. 29), but that it would continue to take steps to prevent forced labour, as this was its policy. The Committee hopes that the Government will thus at last take the necessary measures to ensure the observance in law as well as in practice of the Convention, a basic human rights instrument freely ratified by Myanmar. It also hopes that the Government, which had failed to take part in the proceedings before the Commission of Inquiry, will avail itself of the opportunity to present its views and progress in reporting on the application of the Convention, in conformity with its obligations under article 22 of the ILO Constitution.

[The Government is asked to report in detail in 2001.]

Appendix VI

Detailed itinerary of the HLT

(a) Summary

During its stay in Yangon (17-22 September and 5-6 October) the HLT held 17 meetings, with the Chairman of the SPDC, Secretary-1 of the SPDC, Ministers and Deputy Ministers as well as the Attorney General, the Chief Justice, and senior officials. It met twice with Daw Aung San Suu Kyi and also had meetings with senior members of the NLD, elected representatives from ethnic nationalities parties, religious leaders, and representatives of four ceasefire groups. The HLT also met with representatives of seven UN agencies, 26 foreign diplomats, a number of representatives of the local and international business communities, a representative of the ICRC and representatives of eight international NGOs.

During its field trips (23-28 September and 30 September to 4 October) the HLT met with many representatives of peace and development councils (PDCs) at the state/division, district, township and village-tract levels. As summarised below, the HLT also met with members of the armed forces, police/prison officers and members of the judiciary at all levels:

PDC representatives	36 people (23 at the village level)
Armed forces personnel	24 people (7 with regional or divisional commanders)
Police/prison officers	7 people
Judges	5 people
Religious leaders	17 people

Furthermore, the HLT felt bound to hear what members of the general population had to say as regards the situation of forced labour in Myanmar. Many of the meetings it held were with groups of people. On some occasions, the HLT deemed it more appropriate not to ask for the identifying data of persons who were willing to provide it with information, but rather to try to form a general impression of the situation from these random discussions. The HLT obtained identifying data for at least 105 of the more than 120 meetings that it had in various public locations. The remainder were informal meetings held with one or more persons.

During its meetings and interviews across the border in Thailand, the HLT met with 96 persons from the general Myanmar population, including many community leaders. During its stay in Thailand, the HLT also met with representatives of 5 NGOs having relevant information, as well as a representative of one ceasefire group, the Kachin Independence Organization, and representatives of the National Democratic Front.

(b) Meetings in Yangon

Monday, 17 September

- 0955 Arrive Yangon
- 1215 Briefing with United Nations Resident Coordinator
- 1400 Meeting with HE U Win Aung, Minister for Foreign Affairs

- 1500 Meeting with ILO Mission Coordination Committee
[HE U Khin Maung Win, Deputy Minister for Foreign Affairs (Chair); Brig-Gen Win Sein, Deputy Minister for Labour (Vice-Chair); Director-General of the Department of Labour; Managing Director of Myanmar Airways; Deputy Director-General of the Department of Civil Aviation; Directors-General of the International Organizations and Economic Department and the Political Affairs Department, Ministry of Foreign Affairs; Director-General of the Attorney-General's Office; Director-General of the Department of General Administration, Ministry of Home Affairs; Director-General of the Department of Transport; two representatives of the Directorate of Defence Services Intelligence (DDSI), Ministry of Defence]

Tuesday, 18 September

- 0800 Meeting with United Nations Country Team [Representatives of UNAIDS, UNDCP, UNDP, UNHCR, UNICEF, WFP, WHO]
- 0930 Meeting with Ministry of Defence personnel
[Brig-Gen Kyaw Thein and Col Hla Min of the Directorate of Defence Services Intelligence (DDSI), Ministry of Defence]
- 1115 Meeting with [Convention 29](#) Implementation Committee
[HE U Khin Maung Win, Deputy Minister for Foreign Affairs (Chair); Brig-Gen Win Sein, Deputy Minister for Labour (Vice-Chair); Director-General of the Supreme Court; Director-General of the Attorney-General's Office; Directors-General of the International Organizations and Economic Department and the Political Affairs Department, Ministry of Foreign Affairs; Director-General of the Department of General Administration, Ministry of Home Affairs; two representatives of the Directorate of Defence Services Intelligence (DDSI), Ministry of Defence; Chairman of the Social Security Board; Director-General of the Prisons Department; Deputy Director-General of the Police Force; Director-General of the Department of Labour; Deputy Director-General of the Department of Labour]
- 1315 Meeting with diplomats from the ASEAN+4 group
[Representatives of Malaysia, Thailand, Indonesia, Philippines, Singapore, Brunei, Vietnam, Cambodia, Laos, Republic of Korea, China, Japan]
- 1510 Meeting with HE U Tin Winn, Minister at Prime Minister's Office and acting Minister for Labour
- 1610 Meeting with HE Col. Tin Hlaing, Minister for Home Affairs
- 1710 Meeting with the Central Committee of the National League for Democracy (NLD)

Wednesday, 19 September

- 0800 Meeting with representatives of international NGOs (Group 1)
- 1010 Meeting with HE Maj-Gen Sein Htwa, Minister for Social Welfare, Relief and Resettlement
- 1105 Meeting with U Aung Toe, Chief Justice of the Supreme Court
- 1250 Meeting with Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD)
- 1500 Meeting with U Tha Tun, Attorney-General
- 1630 Meeting with the Myanmar National Committee on Women's Affairs (MNCWA) and the Myanmar Maternal and Child Welfare Association (MMCWA)
- 1730 Meeting with ethnic nationalities representatives of the Committee Representing People's Parliament (CRPP)

Thursday, 20 September

- 0810 Meeting with representatives of international NGOs (Group 2)
- 1010 Meeting with the Chamber of Commerce, Women's Entrepreneurs Association, and Myanmar Construction Entrepreneurs

- 1200 Meeting with the international business community
- 1315 Meeting with diplomats from the OECD countries
[Representatives of the United States, United Kingdom, Australia, Russia, Germany, France, Italy]
- 1500 Meeting with the Myanmar Human Rights Committee
[Chaired by HE Col Tin Hlaing, Minister for Home Affairs]
- 1700 Meeting with HE Brig-Gen David Abel, Minister at the Prime Minister's Office

Friday, 21 September

- 0810 Meeting with representatives of UNHCR
- 0930 Meeting with the ILO Mission Coordination Committee
- 1100 Meeting with HE Lt-Gen Khin Nyunt, Secretary-1 of the State Peace and Development Council
- 1330 Meeting with various members of the diplomatic community
[Representatives of Bangladesh, Egypt, India, Israel, Nepal, Pakistan, Sri Lanka, Yugoslavia]
- 1700 Meeting with the ICRC delegate

Saturday, 22 September

- 1400 Meeting with Church leaders
- 1530 Meeting with representatives of a number of cease-fire groups
[Representatives of the Kachin Defence Army, Wa National Unity Party, Pa-o National Organisation and the Padoh Aung San faction of the Karen National Union]

(c) Field trips in Myanmar

Sunday, 23 September

Team 1 (Sir Ninian Stephen and Justice Parinda Ranasinghe)

At 1400 Team 1 arrived at Dawei airport, Tanintharyi Division.

In the afternoon, the Team held a meeting with Maj-Gen Aye Kyway, Coastal Region Commander.

In the evening, the Team met with a number of local people in various locations in Dawei town.

Team 2 (Ms. Nieves Confesor and Judge Jerzy Makarczyk)

In the morning, Team 2 arrived at Sittwe airport, Rakhine State.

The Team with Maj-Gen Aung Htwe, Western Region Comm had a meetinander, and also with the Bangladesh Consul in Sittwe.

In the afternoon, Team 2 travelled to Maungdaw by boat.

Monday, 24 September

Team 1

Team 1 travelled to Myitta village by road, with stops at various places along the way to meet with local people. In Myitta, the Team held a number of meetings with local people, as well as with the commander of Myitta army camp. In the afternoon, the Team returned to Dawei, again stopping at various places along the way to meet with local people and a religious representative.

In the evening, Team 1 met with a number of local people in various locations in Dawei town.

Team 2

Team 2 held meetings during the day with various representatives of international NGOs and UN agencies in Maungdaw, various administrative officials of PDCs at the district, township and ward levels, as well as with local people.

Team 2 also visited a number of villages in Maungdaw South and met with VPDC officials and local people.

Tuesday, 25 September

Team 1

In the morning, Team 1 had meetings with the Divisional Judge, with the Dawei District Commissioner, and with a Lt-Col from the army.

In the afternoon, Team 1 flew to Mawlamyine airport, Mon State. The Team then had a meeting with Brig-Gen Myint Swe, Southeast Region Commander.

Team 2

Team 2 visited a number of villages by boat on the Naf river, where they met with VPDC members, NaSaKa and police officials, as well as several villagers.

Team 2 also met with a township judge in Maungdaw.

Wednesday, 26 September

Team 1

Team 1 travelled by road from Mawlamyine to Hpa-an, the capital of Kayin State, taking a route which passed through the villages of Zathabyin and Eindu. The Team stopped at several places along the way and met with villagers, VPDC officials and the leader of a faction of the KNU that had agreed a ceasefire with the authorities.

In Hpa-an, Team 1 met with the Kayin State Commissioner and the Kayin State Judge.

Team 1 then returned to Mawlamyine, this time via a different route, and again stopped along the way and met a number of villagers.

Team 2

Team 2 travelled by helicopter to two villages in the far north of Rakhine State, on the border with Bangladesh, where they met NaSaKa officials, VPDC officials, and a number of villagers.

Team 2 also visited a village in Rathedaung township, where they met villagers and a VPDC official.

In the afternoon, Team 2 travelled to Mrauk-U town, in the eastern part of Rakhine State.

Thursday 27, September

Team 1

In the morning, Team 1 met with a number of local residents and religious representatives in Mawlamyine.

In the afternoon in Mawlamyine, Team 1 met with the Prison Group Director for southeast Myanmar and held a second meeting with Brig-Gen Myint Swe, Southeast Region Commander.

In the evening, Team 1 met with Nai Shwe Kyin, President of the New Mon State Party, which has agreed a ceasefire with the authorities.

Team 2

Team 2 visited a number of villages, towns and other locations on the road from Mrauk-U to Kyauktaw and Minbya.

The Team met with several military officers, police officers, VPDC officials and local residents in these areas.

Friday, 28 September

Team 1

In the morning, Team 1 returned to Yangon by air.

Team 2

Team 2 met with a TPDC official, a township judge, and various other people in Mrauk U town.

In the afternoon, Team 2 returned to Yangon by air.

Sunday, 30 September

Team 1

At 1400 Team 1 arrived at Lashio airport in northern Shan State.

In the afternoon, Team 1 had a meeting with Brig-Gen Thiha Thura Tin Aung Myint Oo, Northeastern Region Commander.

In the evening, Team 1 visited a police station in Lashio.

Team 2

In the morning, Team 2 arrived at Loikaw airport in Kayah State.

In the afternoon, the Team met with Brig-Gen Nyunt Hlein, commander of an Infantry Division in Loikaw. The Team also met with a prominent church leader; representatives of the Karenni National People's Liberation Front (KNPLF) ceasefire group; some military personnel and their mules at an Animal Transport Company; as well as a number of local residents.

Monday, 1 October

Team 1

In the morning, Team 1 travelled by car to Hsipaw, and stopped at a number of places on the way where they met VPDC officials and local residents.

At Hsipaw, the Team met with the TPDC Chairman. In the afternoon, the Team travelled from Hsipaw in the direction of Mong Yai, and stopped at a number of villages and army agricultural plantations.

In the evening, the Team met in Lashio with a number of local residents and representatives of religious groups.

Team 2

Team 2 visited a number of villages in Loikaw, Demawso and Hpruso townships, and met with local residents.

The Team also met in Loikaw with the Kayah State Judge.

Tuesday, 2 October

Team 1

In the morning, Team 1 drove south from Lashio to Nampong village, and stopped at various villages and army-owned plantations along the way. They met with a number of military personnel at these plantations, as well as talking to local residents in the area.

In Nampong, the Team met with VPDC officials, police officers, an army battalion commander, and local residents.

In the afternoon, Team 1 planned to fly to Myitkyina in Kachin State, but was prevented from doing so by bad weather conditions at the destination.

Team 2

In the morning, Team 2 drove from Loikaw to Taunggyi in southern Shan State, via Hsi Hseng. The Team stopped at various places along the road and met with a number of local residents.

The Team also stopped at a railway construction site (of the Taunggyi to Namhsam railway) where they met with the deputy minister for rail transportation.

Wednesday, 3 October

Team 1

In the morning, Team 1 again tried to fly to Myitkyina in Kachin State, but was again prevented by bad weather conditions at the destination. The Team therefore decided to fly back to Yangon.

Team 2

In the morning in Taunggyi, Team 2 met with Maj-Gen Maung Bo, Eastern Region Commander.

The Team then travelled to a number of villages in the Taunggyi area, and met with a number of residents of these villages.

Thursday, 4 October

Team 1

Yangon

Team 2

In the morning, Team 2 flew back to Yangon.

(d) *Wrap-up meetings in Yangon*

Friday, 5 October

- 1030 Meeting with Convention 29 Implementation Committee
- 1500 Meeting with HE Senior General Than Shwe, Chairman of the State Peace and Development Council, together with General Maung Aye and Lt-Gen Khin Nyunt
- 1800 Meeting with representatives of the international business community

Saturday, 6 October

- 1000 Meeting with Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD)
- 1200 Meeting with representatives of the Ministry of Home Affairs
- 1615 Meeting with the United Nations Country Team
- 1700 Meeting with the diplomatic community
- 1950 Depart Yangon for Bangkok

(e) *Meetings and visits across the Thai border*

Sunday, 7 October

- 0900 Meeting with representatives of the Burmese Border Consortium
- 1030 Meeting with researchers with information on the situation on the Myanmar-Bangladesh border

Monday, 8 October to Wednesday, 10 October

On the morning of Monday, 8 October, the HLT flew from Bangkok to Mae Sot. The HLT had a meeting with the Karen Human Rights Group and then spent three days in Mae Sot and the surrounding area interviewing 80 persons from Myanmar with recent information relevant to the HLT's mandate. The HLT also had the opportunity of meeting senior representatives from the National Democratic Front (NDF), an umbrella organization of ethnic nationalities groups.

Thursday, 11 October to Friday, 12 October

On the morning of Thursday, 11 October, the HLT flew from Mae Sot to Chiang Mai. Since the HLT had been unable to travel to Myitkyina in Kachin State, it took the opportunity in Chiang Mai of meeting with a representative of the Kachin Independence Organisation, a group which has a ceasefire agreement with the Myanmar authorities. The HLT also had a meeting with Burma Relief Centre and EarthRights International. The HLT then drove to the town of Fang. On Friday, 12 October, the HLT interviewed 26 persons from Myanmar with recent information relevant to its mandate.

Appendix VII

Map of Myanmar - follows on next page



Appendix VIII

Myanmar terms, acronyms, and alternative spellings of places visited

Places visited

Official spelling used in this report	Alternative spelling
Dawei (capital of Tanintharyi Division)	Tavoy
Hpa-an (capital of Kayin State)	Pa-an
Lashio (town in northern Shan State)	–
Loikaw (capital of Kayah State)	–
Mawlamyine (capital of Mon State)	Moulmein
Sittwe (capital of Rakhine State)	Akyab
Taunggyi (capital of Shan State)	–
Yangon (capital of Myanmar)	Rangoon
Kayah (State)	Karenni
Kayin (State)	Karen
Mon (State)	–
Rakhine (State)	Arakan
Tanintharyi (Division)	Tenasserim

Myanmar terms

kyat	unit of currency of Myanmar
Regional Commander	commander of one of the 12 military regions (the regional commanders, together with the other senior commanders of the armed forces, make up the SPDC)
township	town and the surrounding region and village tracts constituting an administrative unit
village tract	group of villages constituting an administrative unit

Acronyms

PDC	Peace and Development Council (administrative body operating at the village-tract, township, district, state/divisional and State levels)
SPDC	State Peace and Development Council (Myanmar's ruling body)
DPDC	District Peace and Development Council (administrative body at the district level)
TPDC	Township Peace and Development Council (administrative body at the township level)
VPDC	Village-tract Peace and Development Council (administrative body at the village tract level)
ATB	Animal Transport Battalion (military battalion of mules for transport of military supplies)
NaSaKa	Border security force (under the command of the military)
NLD	National League for Democracy

Appendix IX

Summary of the meeting between the HLT and Senior General Than Shwe

Friday, 5 October 2001, Yangon, 3.00-4.15 p.m.

Present: The HLT, Senior General Than Shwe, General Maung Aye, Lt-Gen. Khin Nyunt

1. Senior General Than Shwe expressed his pleasure at having the opportunity of meeting with the HLT. He explained that, in Myanmar, there was a great tradition according to which everything should be done to ensure that visitors were respected and welcomed. He added that the HLT had now been in the country for some time. It had been able to visit and interact with the people of Myanmar and make its own assessment of the situation.
2. Senior General Than Shwe provided the HLT with information concerning the situation prevailing in the country. He explained that, even though the army was governing the country, it never really intended to assume that responsibility. The conditions in the country compelled the army to do so. Myanmar was a country comprised of 135 different ethnic groups. The non-disintegration of the country was of the utmost importance. In this regard, the task of the army was difficult and complicated. Unity could only be ensured through a process of pacification and development of the country. However, this process had been from the outset of the country's independence jeopardized by the insurgency issue, which had created instability and unrest. For Senior General Than Shwe, peace and stability could only be achieved with a strong central government. This was why the army had launched massive military operations against the insurgents. However, they realised that the solution could not rely only on military means and had to include political elements. That was the reason why the army had initiated discussions with insurgent groups. These negotiations had turned out to be particularly complex and difficult and had lasted in some cases up to five years before an agreement was reached. Out of the 18 insurgent groups recognised by the government, only one group had not yet signed a ceasefire agreement. Senior General Than Shwe explained that discussions with this group were still going on since they knew that it was only through peace and stability that the country could be developed. The authorities had to use a lot of patience for the process to be successful. History revealed that previous governments were not successful in achieving peace because they were not willing to listen to the insurgents' wishes, such as the desire to maintain the control of their areas and the possibility of keeping their arms. This the present government understood. Ten years had been necessary to reach a certain level of understanding. As the HLT had surely observed, many areas of the country were very backward and the army really wanted to take all necessary measures to develop them, that is, provide them with schools, roads, hospitals, and so forth. Furthermore, the authorities were also seriously working on the drug issue and had undertaken a vast program of crop substitution. Senior General Than Shwe said that he was mentioning this issue in order to show that the army had not only to tackle the labour issue, but also a number of others that were affecting the well-being of the people of Myanmar.
3. As regards more specifically the assessment of the HLT, Senior General Than Shwe explained that the authorities of Myanmar were not discouraged by international scrutiny. In fact, he said that they had learnt a lot from it. Of course, the country had its own goals and objectives and it had to draw lessons from its history. Today, the goal on which the SPDC was focussing was the building of a strong democracy based on three prerequisites: stability and peace; strong central government; and a flourishing economy. For 27 years, the country had been governed by a socialist regime. In those times, the country received a lot of assistance. Now that the authorities were trying to build a democratic country, he observed that they were facing a lot of resistance from the international community. This reluctance, he believed, would only delay the process leading to democracy. He recalled his attachment to the teachings of Buddhism, and insisted on the fact that even if they were from the military, they were trying to govern according to the Rule of Law. Many of the laws that were being applied by the courts were inherited from the British time. The courts were not military, they were civilian. In concluding, he insisted on the fact that the military had no desire to persecute their own people and that they would never let the armed forces become the enemy of the people of Myanmar.
4. Sir Ninian thanked Senior General Than Shwe for having agreed to meet with the HLT. He also expressed the HLT's gratitude for the way the authorities had fulfilled their commitment not to

interfere with its work. He took note of Senior General Than Shwe's concern as regards the attitude of the international community and the additional delay in achieving democracy that this could imply. However, Sir Ninian insisted on the fact that the HLT visited the country with the aim of assisting it. The HLT had not come simply to blame the country. Sir Ninian thanked Senior General Than Shwe, since the arrangements made for it by the Government had proceeded very smoothly and that had surely involved a lot of hard work on the part of the authorities. Sir Ninian stressed that the HLT trusted that the authorities would honour in the same impeccable manner the other side of their solemn commitment, that regarding persons or organisations with whom the HLT had had contact and who sometimes seemed worried about their security despite the assurances of the Government which the HLT had transmitted. For Sir Ninian, this involved not only a moral obligation, but was an essential part of the confidence-building with the international community involved in the visit of the HLT.

5. Sir Ninian observed that the HLT had established many contacts during its visit to the country. However, it had not reached its conclusions yet; as the authorities were aware, these conclusions would take the form of a report addressed to the ILO. For the sake of full transparency, Sir Ninian informed Senior General Than Shwe that the HLT had been offered the possibility of having contact with other groups – “by no means friendly” – outside the country. The HLT had decided to avail itself of this opportunity and the authorities of Myanmar could rest assured that the HLT would exercise the same degree of critical judgement in that phase of its work as it had exercised during its time in Myanmar.
6. Sir Ninian stressed that the members of the HLT were not at this point in a position to definitely form a common judgement, since this would require a careful analysis of the notes of the respective visits carried out by its two groups. However, he said that the members of the HLT felt that the opportunity that had been given to them to meet with the Head of State provided them with the possibility to share with him some of their very preliminary impressions and to discuss possible ways in which the ILO and the international community could further assist the SPDC's efforts to eradicate the problem of forced labour.
7. Sir Ninian said that the HLT took note of the efforts which had been made to disseminate the Orders. He believed that even if these efforts had been uneven, it was an important step to show commitment. But for the HLT, it was not enough to have the Orders publicised. The most important issue was their effective implementation. In this regard, Sir Ninian said that the HLT was sceptical about the argument heard during the first week of its visit that the absence of criminal prosecution was evidence that forced labour had disappeared once the Orders had been made public. Further discussions and observations had revealed that violations were not dealt with as criminal offences as they were supposed to be, and that the Orders might not be being obeyed by the military in remote areas – or even not so remote areas – despite efforts to make them known and applied. Sir Ninian added, however, that the HLT was encouraged by Secretary-1's statement asking to be informed of violations and his willingness to accept the recommendations that the HLT might share with the authorities as regards obstacles that existed to full implementation of the Orders. Sir Ninian said that the HLT was acutely aware that hardly one year had passed since the adoption of the Supplementary Order and that this was not a very long time to eradicate a problem which had been endemic in the country. The real challenge would be to satisfy the international community that despite the shortcomings that the HLT might have observed, there was a positive and sustainable trend.
8. For Sir Ninian, it was obvious that this one-time exercise of the HLT could hardly be repeated in order to confirm a long-term trend. He believed that the best way to ensure appropriate assistance from the ILO and through it from the international community in this long-term process that the Head of State had ably described would be to allow the establishment of an ILO permanent presence. In itself, this idea was not new. It had been proposed in the past and did not meet with an official refusal. If there were an ILO presence – authorised to go everywhere without restrictions – Sir Ninian considered that this would surely have a positive impact on the general opinion of the international community. Of course, the HLT was aware that an ILO presence was only one among the many and complex steps that could contribute to the effective eradication of forced labour, as had been mentioned by the Head of State, i.e. pacification, economic development and modernisation of the country. However, the HLT was convinced that this step was key to the others. Sir Ninian said that he personally sincerely hoped that the ILO presence could be readily acceptable to the authorities. The establishment of an ILO presence with meaningful facilities would send a powerful message to the international community about the real commitment of the authorities to eradicate the problem of forced labour and beyond that to engage in a process of modernisation with which forced labour was completely incompatible. Sir Ninian added that the message would be all

the more powerful if this presence could be seen positively by all sides involved in the ongoing dialogue.

9. Sir Ninian took the opportunity of the meeting with the Head of State to inform the authorities that the HLT had committed itself to meet again with a number of persons before it departed from Myanmar, for instance, the business community (both local and international), the UN, the diplomatic community, and Daw Aung San Suu Kyi. While these meetings were more a matter of courtesy, Sir Ninian wanted to make it clear – in the same spirit of full transparency mentioned before – that meeting with Daw Aung San Suu Kyi could also greatly contribute to reassuring the international community that an ILO presence represented a true element of convergence in the ongoing dialogue.
10. In concluding, Sir Ninian indicated that, while the specific content of the HLT report was still to be determined, two things were certain. First, that its content would, through the ILO, be made available to the authorities of Myanmar. Second, that all the members of the HLT had faith in the capacity of this country and its inhabitants to achieve the place they deserved in the international community and to participate in the promotion of respect of fundamental human rights. Sir Ninian believed it was courageous for the country to have accepted this “intrusive” international scrutiny.

Appendix X

List of documents submitted to the HLT (Some confidential documents provided to the HLT are not listed here)

Document	Date received	Received from
“Myanmar: a silent humanitarian crisis in the making” (joint letter from country representatives of UN agencies operating in Myanmar to the heads of various UN agencies)	17.09.01	United Nations Resident Coordinator a.i.
<i>Developments in Myanmar with respect to the implementation of ILO Convention No. 29</i> , Ministry of Labour, Yangon. September 2001.	18.09.01	Implementation Committee
<i>Political Situation of Myanmar and its Role in the Region</i> (27th edition), Office of Strategic Studies, Ministry of Defence, Yangon. May 2001.	18.09.01	Ministry of Defence representative
Folder containing two documents entitled “Myanmar: The reality” and “Understanding Myanmar: Issues in Brief”	18.09.01	Implementation Committee
Three booklets concerning Buddhism and Myanmar culture	18.09.01	Implementation Committee
Booklet in Burmese published by the General Administration Department of the Ministry of Home Affairs and reproducing Order 1/99, the Supplementing Order, and other relevant texts.	18.09.01	Ministry of Home Affairs
Document detailing allegations of forced labour	18.09.01	NLD
Document in Burmese detailing the dissemination of the Orders and allegations of forced labour in Chin State	18.09.01	NLD
Four booklets concerning Buddhism	19.09.01	Ministry of Social Welfare
“Feeling Good or Doing Good with Sanctions: Unilateral Economic Sanctions and the US National Interest” by Ernest H. Preeg, Center for Strategic and International Studies, Washington, DC. 1999.	19.09.01	UNDP
Booklet entitled “The Judicial System of The Union of Myanmar” Supreme Court, Yangon. September 2001	19.09.01	Supreme Court
Statistics on cases before the Supreme Court	19.09.01	Supreme Court
Booklet entitled “The role of the Office of the Attorney General” and a copy of “The Attorney General Law, 2001”	19.09.01	Office of the Attorney General

Document	Date received	Received from
Summary of two complaints made to the Myanmar National Committee for Women's Affairs concerning forced labour	19.09.01	Myanmar National Committee for Women's Affairs
Three brochures providing information about the Myanmar Maternal and Child Welfare Association	19.09.01	Myanmar Maternal and Child Welfare Association
Brochure entitled "The Union of Myanmar"	19.09.01	Myanmar National Committee for Women's Affairs
Letter dated 20 September 2001 from Ms. Suzanne Pun, Principal of Stamford-City Business Institute, Yangon, to the HLT	20.09.01	International business community
Document entitled "Action taken on cases for not abiding notification 1/99 and its supplementary order", Ministry of Home Affairs, General Administration Department.	21.09.01	Implementation Committee
Instruction dated 11 November 2000 issued by the Regional Commander to the military units under his command. (In Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Follow-up action by the Regional Command Headquarters concerning violations of the Supplementary Order. (In Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Action taken with regard to misappropriation of porter charges by members of one VPDC. (In Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Note read by Khin Maung Yee during the meeting with the Regional Commander. (In English)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
A number of documents relating to one case of violation of the Orders. (In Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Album containing photographs of meetings held in Dawei district to explain the content of the Orders. (Captions in Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
"Report of the Field Trip Group No. 3, Tanintharyi Division, 24.4.2001 to 4.5.2001", Department of Labour.	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Summary of cases of violation of the Orders by the military. (In Burmese)	23.09.01	Maj-Gen Aye Kyway, Coastal Region Commander
Documents concerning the activities of Bridge Asia Japan (BAJ) in Maungdaw	25.09.01	Bridge Asia Japan, Maungdaw
List of meetings to explain the content of the Orders attended by the Dawei District Commissioner. (In Burmese)	25.09.01	Dawei District Commissioner

Document	Date received	Received from
Album containing photographs of the military constructing roads using bulldozers and transporting supplies using mules.	26.09.01	Brig-Gen Myint Swe, Southeast Region Commander
Kayin State PDC file detailing the case of a VPDC Chairman who had been dismissed from service following a number of allegations. (In Burmese)	26.09.01	Kayin State Commissioner
Document produced by Kayin State General Administration Department, detailing the present situation regarding implementation of the Orders. (In Burmese)	26.09.01	Kayin State Commissioner
Copies of a number of legislative texts: The Penal Code; The Code of Criminal Procedure; The Evidence Act; The People's Police Force Maintenance of Discipline Law; The People's Militia Act; The Defence Services Act, 1959; The Defence Services Rules; The Police Act, 1945; "G" Circular No. 15 (1940).	28.09.01	Implementation Committee
Document entitled "Complaint of a non-cognizable case"	28.09.01	Implementation Committee
Document detailing military recruitment procedures	28.09.01	Implementation Committee
Copies of the files of cases where administrative measures were taken due to violations of the Orders.	28.09.01	Implementation Committee
Copy from the Myanmar Gazette of the Supplementing Order	28.09.01	Implementation Committee
Document entitled "List of retrenched and closed factories during the period 2000 to 2001"	28.09.01	Implementation Committee
Sample of receipts signed upon payment for labour rendered on public works, and details of labour expenditures of several State enterprises.	28.09.01	Implementation Committee
Document detailing the dissemination campaign for the Orders in Lashio. (In Burmese)	30.09.01	Brig-Gen Thiha Thura Tin Aung Myint Oo, Northeastern Region Commander
Document with photographs detailing meetings held in Lashio district (northern Shan State) concerning the Orders. (In Burmese)	30.09.01	Brig-Gen Thiha Thura Tin Aung Myint Oo, Northeastern Region Commander
Background information on northern Shan State. (In Burmese)	30.09.01	Brig-Gen Thiha Thura Tin Aung Myint Oo, Northeastern Region Commander
Summary of two cases of violations of the Orders by the military in the Northeastern Region. (In Burmese)	30.09.01	Brig-Gen Thiha Thura Tin Aung Myint Oo, Northeastern Region Commander

Document	Date received	Received from
Photos showing the dissemination campaign for the Orders in Hsipaw township	1.10.01	Hsipaw Township PDC Chairman
Document entitled “The true facts about Maung Maung, General Secretary of the Free Trade Union of Burma (FTUB)”	5.10.01	Implementation Committee
Document giving further details of the cases involving violation of the Orders. (Copies in Burmese and English)	6.10.01	General Administration Department
Document detailing allegations of forced labour	6.10.01	Daw Aung San Suu Kyi
Documents providing information on the work of the Burmese Border Consortium	7.10.01	Burmese Border Consortium
Documents containing recent interviews in Bangladesh with persons from Rakhine State concerning forced labour	7.10.01	Forum Asia representative
Email from the Shan Human Rights Foundation concerning seven villagers killed following a complaint about forced labour	7.10.01	Shan Human Rights Foundation
Maps of Myanmar prepared by Karen Human Rights Group	8.10.01	Karen Human Rights Group
<i>A Brief History of the National Democratic Movement of Ethnic Nationalities</i> , by Khaing Soe Naing Aung. 2000.	8.10.01	National Democratic Front
Document entitled “Human rights abuses in Karenni State, Jan.-Sept. 2001”	8.10.01	National Democratic Front
Originals of a large number of signed and stamped orders from military and paramilitary units to villages, many requisitioning forced labour	9.10.01	Persons interviewed by the HLT
Originals of a large number of signed and stamped orders from military and paramilitary units to villages, many requisitioning forced labour	10.10.01	persons interviewed by the HLT
Documents containing recent relevant information concerning forced labour	12.10.01	Shan Human Rights Foundation
Documents containing recent relevant information concerning forced labour, as well as other documents containing background information	12.10.01	EarthRights International

Appendix XI

(a) Communication dated 13 October 2001 from the HLT to Senior General Than Shwe

Excellency,

On behalf of the High-Level Team, I would like to express again our sincere gratitude for the opportunity which you provided just a week ago to have a frank and informative exchange of views on subjects relevant to the discharge of our mandate.

As I informed you on that occasion, the HLT, after leaving Yangon, had the opportunity to carry out further investigation through meetings and interviews across the Thai Border with people who claimed to have been subjected to various forms of forced labour during the period relevant to our mandate.

Among the many disturbing accounts which we heard about the continued existence of forced labour, there was one which appeared to be of particular significance for our report and which we felt we had a duty to you to bring to your attention, all the more so in light of the invitation from Secretary 1 to report on any case of violation the Team might come across.

As you can see from the attached extract, this allegation relates to what happened to villagers in the Shan State who decided to complain about forced labour practices by the military following the visit of Secretary 1 to the area when he publicly announced that such practices were illegal under the supplementary Orders and instructions. This allegation has been the subject of wide e-mail diffusion internationally through an NGO and indeed reached the HLT on the last day of its programme in Yangon. It was repeated almost in the same terms by a witness whom the HLT happened to interview yesterday. It would of course be very useful for the Team and for its report to have your comments on this case as soon as possible. Should they however reach us after the completion of our report they could still be produced separately for the Governing Body.

Subject to your comments, this case seems to provide a vivid illustration, among many others, of the urgent need which I referred to during our audience for a form of ILO presence in Myanmar, which among other possible forms of assistance could provide a systematic mechanism for assessing on a continuous basis and with sufficient credibility vis-à-vis the international community, the veracity of similar allegations.

Thanking you again for the assistance and hospitality extended to the HLT during its visit.

Yours sincerely,

(Signed) Sir Ninian Stephen,
Chairman, High-Level Team.

c.c.: Lieutenant General Khin Nyunt, SPDC, Yangon.

Seven villagers killed for complaining about forced labour in Murng-nai (SHRF Monthly Report, September 2001)

On 14 July 2001, seven villagers who had lodged a complaint with SPDC military authorities about increasing use of forced labour by SPDC troops were killed by SPDC troops from Kun-Hing-based IB246 and their bodies dumped into Nam Taeng river in Kaeng Tawng area, Murng-Nai township.

On 11 July 2001, the said seven villagers went to the visiting Commander of the SPDC Military Eastern Command, Maj. Gen. Maung Bo, from Taunggyi and filed a complaint with him about the continued use of civilian forced labour by SPDC troops in the area.

The villagers said to Maung Bo, "We have been told by Gen. Khin Nyunt on 25 May 2001 that starting from then the Burmese army would not use forced labour of the people; would not take chicken, pigs and other things from the people for free; and would not torture and kill the people any more. However, after Gen. Khin Nyunt left, the use of forced labour by the local military authorities has increased, requiring us to work for the military almost all the time. We have to provide free labour for the military in building military facilities, cultivating crops, sawing wood, repairing and building roads etc., leaving virtually no time for us to cultivate our subsistence crops. Many people have to start their rice cultivation late into the season, which will surely result in poor yields."

Maung Bo, however, consoled the villagers that he would return and report it to his superiors and let them hear good news in 7 days and changed the subject to talk about other things.

A few days after Maung Bo left and while the villagers were waiting for the expected "good news" from him, they were arrested for interrogation by a patrol of 20-25 SPDC troops from Co. No. 3 of Kun-Hing-based IB246, that was temporarily stationed in Kaeng Tawng under the command of Captain Mya Aung.

About ten days after Maung Bo had left Murng-Nai township for Taunggyi, villagers from Ho Kun village, Kun Long tract, who had gone fishing found the dead bodies of the said seven villagers stranded at "Taad Pha Pha" waterfall, about two miles east of Ho Kun village.

The seven victims were:

1. Zaai Ti-Ya (m), aged 30, of Nam Tum Tai village, Nawng Hee tract, Murng-Nai township;
2. Lung Haeng Wi (m), aged 40, of Nawng Tao village, Kun Long tract, Murng-Nai township;
3. Zaai Aw Lam (m), aged 28, of Pa Saa village, Nawng Hee tract, Murng-Nai township;
4. Zaai In□Ta (m), aged 24, of Nawng Ook village, Ton Hoong tract, Murng-Nai township;
5. Zaai Ta Lam (m), aged 21, of Nawng Ook village, Ton Hoong tract, Murng-Nai township;
6. Zaai Khan-Ti (m), aged 36, of Kun Hoong village, Nam-Zarng town, Nam-Zarng township;
7. Zaai Saw-Ya (m), aged 31, of Kun Keng village, Nam-Zarng g town, Nam-Zarng township.

(b) Communication dated 26 October 2001 from Lieutenant-General Khin Nyunt to the HLT

Excellency,

I wish to refer to your letter dated 13 October 2001 addressed to our Chairman Senior General Than Shwe, a copy of which was also sent to me. In your letter, you mentioned about an incident in Shan State in July of this year. I thank you for inviting our comments on the matter. This is the first time that the case has come to my attention and I wish to assure you that we shall be making a thorough investigation of the matter. The results of the investigation will be informed in due course.

From the attachment to your letter, it can be seen that the allegation had originated from SHRF (Shan Human Rights Foundation). Allow me to take the opportunity to provide you with some information about this organization. Despite its high sounding title, the organization is nothing more than a front for anti-government insurgents that are operating from the US. The head of the SHRF is

one Khun Kya Oo, a former insurgent who is now residing in the US. It had been making all sorts of allegations against the Armed Forces over the years. To cite an example, the December 2000 Report of SHRF contained 15 allegations including 3 murder cases, 2 rape cases, 1 assault and battery case, 1 forced labour case, 3 extortion cases and 1 case of frightening a young girl. After thorough investigations, all the allegations were found to be spurious and without foundation since;

- (a) the accusations were against non-existent military officers;
- (b) the locations mentioned could not be found as there were no such villages;
- (c) the incidents themselves were complete fabrications;
- (d) no villagers bearing the names provided in the allegations could be found in the area mentioned; and
- (e) the actual events had been twisted to give a negative impression.

Therefore, I am confident you will understand that we have to verify very carefully all reports emanating from SHRF. As you are aware, we have fully cooperated with the HLT Team during its stay in Myanmar and I would like to assure you of our cooperation in the future as well.

Before I conclude, I wish to convey to the warm regards and best wishes of our Chairman Senior General Than Shwe to you and the other members of the HLT team.

Yours sincerely,

(Signed) Lieutenant General Khin Nyunt,
Secretary-1,
State Peace and Development Council,
The Union of Myanmar.

Appendix XII

Structure of the Myanmar Court System



1. The Supreme Court	1
2. State or divisional courts	17
3. District courts	63
4. Township courts	323
5. Special courts	22
Total	426

(Source: Government of the Union of Myanmar, Supreme Court, "The Judicial System of the Union of Myanmar", Sept. 2001)

Appendix XIII

Relevant legislation and orders

(1) *The Village Act, 1908 (extracts)*

Section 8(1)

Every headman shall be bound to perform the following public duties, namely:

- (g) to collect and furnish, upon receipt of payment for the same at such rates as the Deputy Commissioner may fix, guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty: provided that no headman shall requisition for personal service any resident of such village-tract who is not of the labouring class and accustomed to do such work as may be required;
- ...
- (n) generally to assist all officers of the Government in the execution of their public duties; and
- (o) generally to adopt such measures and do such acts as the exigency of the village may require.

Section 11

Every person residing in the village-tract shall be bound to perform the following public duties, namely:

- (d) on the requisition of the headman or of a rural policeman, to assist him in the execution of his duties prescribed in sections 7 and 8 of the Act and the rules made under the Act.

Explanation – A requisition under clause (d) may be either general or addressed to an individual.

Section 12

If any person residing in a village-tract refuses or neglects to perform public duties imposed upon him by this Act or by any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable

- (i) by order of the headman, to fine ... or
- (ii) by order of the village committee, on the case being referred to it by the headman, to fine ..., or to confinement for a term not exceeding 48 hours in such place as the Deputy Commissioner may appoint in this behalf, or to both, or
- (iii) on conviction by a Magistrate, to fine ..., or to imprisonment for a term not exceeding one month, or to both.

(2) *The Towns Act, 1907 (extracts)*

Section 7(1)

The headman of a ward shall be bound to perform the following public duties, namely:

...

Provided that no headman shall requisition for personal service any resident of such ward who is not of the labouring class and accustomed to do such work as may be required; and

- (m) generally to assist all officers of the Government and municipal officers in the execution of their public duties.

Section 9

Persons residing in a ward shall be bound to perform the following public duties, namely:

...

- (b) on a general or individual requisition of the headman to assist him in the execution of his public duties.

Section 9A

If any person residing in a ward refuses/neglects to perform any of the public duties imposed upon him by this Act or any rule thereunder, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable, on conviction by a magistrate, to a fine ...

(3) Order No. 1/99

Government of the Union of Myanmar,
The Ministry of Home Affairs.

Order No. 1/99

Yangon, the 15th Waning of Kason 1361, M.E.

(14th May 1999)

**Order directing not to exercise powers under certain provisions
of The Towns Act, 1907 and The Village Act, 1907**

1. The Government of The Union of Myanmar, the Ministry of Home Affairs hereby issues this Order under the directive of the Memorandum dated 14-5-99, Letter No. 04/Na Ya Ka (U)/Ma Nya of the State Peace and Development Council.
2. Under Section 7 of the Towns Act, 1907, powers have been conferred on the Chairmen of the Ward Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the ward is provided in Sub-section (1)(l) and (m) of Section 7. It is provided in Section 9 that residents of the ward shall fulfil the duty assigned under the said power and it is provided in section 9A that on failing to fulfil such duty, action may be taken against them.
3. Similarly, under Section 8 of the Village Act, 1907 also, powers have been conferred on the Chairmen of the Village Tract Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the village tract is provided in Sub-section (1)(g), (n) and (o) of section 8. It is provided in section 11(d) that the residents of the village tract shall fulfil the duty assigned under the said power and it is provided in section 12 that on failing to fulfil such duty, action may be taken against them.
4. In order to make the Towns Act, 1907 and the Village Act, 1907 conform to the changing situation such as security, administrative, economic and social conditions within the internal domain of the State, the Ministry of Home Affairs has been scrutinizing and reviewing as to how the said Acts should be amended, inserted and deleted, in coordination with the relevant ministries, Government departments and organizations.
5. As such, this Order is hereby issued directing the Chairmen of the Ward and Village Tract Peace and Development Councils and the responsible persons of the Department of General Administration and the Myanmar Police Force not to exercise powers under these provisions relating to requisition for personal service prescribed in the above-mentioned Towns Act, 1907 and the Village Act, 1907, until and unless any further directive is issued, except for the following circumstances:
 - (a) requisition for personal service in work or service exacted in cases of emergency on the occurrence of disasters such as fire, flood, storm, earthquake, epidemic diseases that would endanger the existence or the well-being of the population;

- (b) requisition for personal service in work or service which is of important direct interest for the community and general public and is of present or imminent necessity, and for which it has been impossible to obtain voluntary labour by offer of usual rates of wages and which will not lay too heavy a burden upon the present population.
6. Any person who fails to abide by this Order shall have action taken against him under the existing law.

(Signed) Col. Tin Hlaing;
Minister,
Ministry of Home Affairs.

Circulation:

- (1) Office of the Chairman of the State Peace and Development Council;
- (2) Office of the State Peace and Development Council;
- (3) Office of the Government;
- (4) Supreme Court;
- (5) Office of the Attorney General;
- (6) Office of the Auditor General;
- (7) Public Services Selection and Training Board;
- (8) All Ministries;
- (9) Director General, Department of General Administration (Forwarded for information and for further circulation of the copy of this Order to the State, Divisional, District and Township Administrative Officers Subordinate to him);
- (10) Police Major General, Myanmar Police Force (Forwarded for information and for further circulation of the copy of this Order to the relevant departments and organizations subordinate to him);
- (11) Director General, Department of Special Investigation;
- (12) Director General, Prisons Department;
- (13) All State and Divisional Peace and Development Councils;
- (14) All District Peace and Development Councils;
- (15) All Township Peace and Development Councils (Forwarded for information and for further circulation of the copy of this Order to the Chairmen of the Ward and Village Tract Peace and Development Councils Subordinate to it);
- (16) Managing Director, Printing and Publishing Enterprise (with a request for publication in the Myanmar Gazette).

(4) Order Supplementing Order No. 1/99

The Government of the Union of Myanmar,
The Ministry of Home Affairs,
Yangon, 1st Waxing of Tazaungmon 1362, M.E.

(27 October 2000)

Order supplementing Order No. 1/99

The Ministry of Home Affairs of the Government of the Union of Myanmar, under the direction of the State Peace and Development Council, hereby directs that the following amendment

shall be made to Order No. 1/99 dated 14 May 1999 as requisition of forced labour is illegal and is an offence under the existing laws of the Union of Myanmar.

1. Clause 5 of the said Order 1/99 shall be substituted with the following:
 - (a) Responsible persons including members of the local authorities, members of the armed forces, members of the police force, and other public service personnel shall not requisition work or service notwithstanding anything contained in sections 7(1) and 9(b) of the Towns Act, 1907, and sections 8(1) and 11(d) of the Village Act, 1907.
 - (b) The above clause (a) shall not apply to the requisition of work or service when an emergency arises due to fire, flood, storm, earthquake, epidemic disease, war, famine and epizootic disease that poses an imminent danger to the general public and the community.
2. When the responsible persons have to requisition work or service for purposes mentioned in clause 1(b) of this Supplementary Order the following shall be complied:
 - (a) The work or service shall not lay too heavy a burden upon the present population of the region.
 - (b) The work or service shall not entail the removal of workers from their place of habitual residence.
 - (c) The work or service shall be important and of direct interest for the community. It shall not be for the benefit of private individuals, companies or associations.
 - (d) It shall be in circumstances where it is impossible to obtain labour by the offer of usual rates of wages. In such circumstances, the people of the area who are participating shall be paid rates of wages not less favourable than those prevailing in the area.
 - (e) Schoolteachers and pupils shall be exempted from requisition of work or service.
 - (f) In the case of adult able-bodied men who are the main supporters of the necessities of food, clothing and shelter for the family and indispensable for social life, requisition shall not be made except only in unavoidable circumstances.
 - (g) The work or service shall be carried out during the normal working hours. The hours worked in excess of the normal working hours shall be remunerated at prevailing overtime rates.
 - (h) In case of accident, sickness or disability arising at the place of work, benefits shall be granted in accordance with the Workmen's Compensation Act.
 - (i) The work or service shall not be used for work underground in mines.
3. When the responsible persons have to requisition work or service for purposes mentioned in clause 1(b) of this Supplementary Order, they shall do so only with the permission of the Deputy Commissioner of the General Administration Department who is also a member of the relevant District Peace and Development Council.
4. The State or Divisional Commissioner of the General Administration Department who is also a member of the relevant State or Divisional Peace and Development Council shall supervise the responsible persons to abide by the Order No. 1/99 and this Supplementary Order.
5. The phrase "Any person who fails to abide by this Order shall have action taken against him under the existing law" contained in clause 6 of the said Order No. 1/99 means that any person including local authorities, members of the armed forces, members of the police force and other public service personnel shall have action taken against him under section 374 of the Penal Code or any other existing law.

(Signed) Col. Tin Hlaing,
Minister,
Ministry of Home Affairs.

Letter No. Pa-Hta-Ya /2-3 (3140)/Oo3

Dated: 27 October 2000

Circulation:

- (1) Office of the Chairman of the State Peace and Development Council;
- (2) Office of the State Peace and Development Council (forwarded for the issuance of further directives to State, Divisional, District and Township Peace and Development Councils for supervision not to requisition forced labour);
- (3) Office of the Government;
- (4) Supreme Court;
- (5) Office of the Attorney-General;
- (6) Office of the Auditor-General;
- (7) Public Service Selection and Training Board;
- (8) Ministry of Defence (forwarded for the issuance of further directives to all units under its command for supervision not to requisition forced labour);
- (9) Ministry of Progress of Border Areas and National Races and Development Affairs (forwarded for the issuance of further directives to relevant departments and regional work committees stationed at border areas subordinate to it for supervision not to requisition forced labour);
- (10) All other Ministries;
- (11) Director-General, General Administration Department;) (forwarded for the issuance of
- (12) Police Major General, Myanmar Police Force) further directives to departments
- (13) Director-General, Bureau of Special Investigation;) and organizations subordinate to
- (14) Director-General, Prisons Department) him for supervision not to
- (15) All State/Divisional Peace and Development) requisition forced labour)
- (16) All District Peace and Development Councils;) (forwarded for the issuance of
- (17) All Township Peace and Development Councils (forwarded for the issuance of further) further directives to organizations
- (18) Managing Director, Printing and Publishing Enterprise (for publication in the Myanmar) subordinate to them for supervision
- (19)) not to requisition forced labour)

(5) Additional instruction to State and Divisional Peace and Development Councils

The Union of Myanmar,
The State Peace and Development Council.

Letter No. 04/Na Ya Ka (U)/Ma Nya

Dated: 1 November 2000

To: Chairman,
All State and Divisional Peace and Development Councils

Subject: Prohibiting requisition of forced labour

1. The Ministry of Home Affairs which administers the Towns Act, 1907, and the Village Act, 1907, issued, under the directive of the State Peace and Development Council, Order No. 1/99 on 14 May 1999. The Order directs responsible persons not to exercise powers under certain provisions of the said Acts relating to requisition of forced labour and stipulates actions that are to be taken against any violation. ...

2. After the issuance of Order No. 1/99, to be in conformity with the changing situations, the Ministry of Home Affairs under the direction of the State Peace and Development Council issued the Order Supplementing Order No. 1/99 on 27 October 2000. The Supplementing Order renders the requisition of forced labour illegal and stipulates that it is an offence under the existing laws of the Union of Myanmar. Responsible persons, including the local authorities, members of the armed forces, members of the police force and other public service personnel are also prohibited not to requisition forced labour and are instructed to supervise so that there shall be no forced labour. ...
3. Therefore, it is hereby directed that the state and divisional peace and development councils shall issue necessary instructions to the relevant district and township peace and development councils to strictly abide by the prohibitions contained in Order No. 1/99 and the Supplementing Order of the Ministry of Home Affairs and also to effectively supervise to ensure that there shall be no forced labour within their respective jurisdictions.
4. Responsible persons, including members of the local authorities, members of the armed forces, members of the police force and other public service personnel who fail to abide by the said Order No. 1/99 and the Supplementing Order shall be prosecuted under section 374 of the Penal Code or any other existing laws.

By order,

(Signed) Khin Nyunt,
Lieutenant-General,
Secretary (1),
The State Peace and Development Council.

Copies to:

- (1) Office of the Chairman of the State Peace and Development Council;
- (2) Office of the Government;
- (3) Supreme Court;
- (4) Office of the Attorney-General;
- (5) Office of the Auditor-General;
- (6) Public Services Selection and Training Board; and
- (7) All Ministries.