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**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Hunger and un-rule of law in Myanmar

1. Ever since the eminent People's Tribunal on Food Scarcity and Militarization in Burma (Myanmar) released its 1998 report, the Asian Legal Resource Centre (ALRC) has brought to the Commission credible reports of denials of the right to food in Myanmar [most recently, E/CN.4/2004/NGO/29]. On each occasion it has been observed that the policies and practices of the Government of Myanmar continue to be inimical to the food interests of its people.

2. Hunger in Myanmar is intrinsically linked to the prevailing 'un-rule of law' in that country, a topic that the ALRC has taken up in a separate statement to the Commission during this session. Where citizens have no avenues available to them to complain or seek redress on any matter of concern to their daily lives, it is impossible for them to secure their fundamental economic rights, including the right to food. This was amply illustrated in the case of Ko Sein Win, a villager from Bogalay township, Irrawaddy division, who is reported to have organised a petition by 60 farmers stating to the authorities that they did not want to grow the compulsory dry-season paddy crop. The dry-season paddy programme is a deeply unpopular holdover from the socialist period. Despite government announcements in recent years stating that the system has been changed, farmers are still forced to grow dry-season paddy and give quotas to the authorities, usually at a net loss to themselves. It was this pernicious obligation to which Ko Sein Win and the other farmers were opposed. However, on 1 December 2004 Ko Sein Win was arrested on a spurious criminal charge. The following day, December 2, he was sent before the Bogalay Township Court. He was given no opportunity to defend himself or have a lawyer present. The chief judge of the court, U Thein Htun Aung, sentenced him to one-and-a-half years in jail. On December 3, he was sent to the Pyapon Prison, where he is understood to be to this day.

3. The state in Myanmar is such that even natural disasters cannot be admitted. When floods early in 2004 seriously affected some parts of the country, it was reported that at least one person who videotaped footage of affected areas was arrested. More recently, while the world's attention was turned towards the needs of the countries affected by the Indian Ocean tsunami, the Government of Myanmar refused offers of international assistance, stating that emergency operations there were unnecessary. While it has been recognised that the Myanmar coastline was less affected than that of its neighbours, unknown thousands of villagers along the southern coastline and on adjacent islands, as well as parts of the western delta, are certain to have been affected. A series of local earthquakes were also triggered as a result of the catastrophe; however, the Myanmar authorities concealed details of damage and casualties as usual. Given the meagre resources it has assigned for relief operations, the government's reaction bespeaks its contempt for the basic human needs of its citizens at a time when the world's goodwill was at its disposal. Meanwhile, reports have again emerged of possible arrests of persons attempting to document the scale of destruction. For its part, the Government of Myanmar has warned its citizens not to believe in rumours. Regrettably, lacking in reliable independent channels of information, rumours are all that they have available.

4. While villagers in coastal regions struggled alone to deal with the effects of the tsunami on their lives and livelihoods, by far the worst violations of the right to food in Myanmar persist in the remote mountainous regions that have historically hosted numerous civil conflicts. Despite the fact that most anti-government groups have either been forced to accept unfavourable ceasefire agreements or have dwindled into obscurity, the Myanmar Armed Forces continues to conduct intensive localised anti-insurgency operations that target food stocks, crops and villages.

5. Most recently, the ALRC has received detailed and credible documentation of military operations since mid-November 2004 in Papun Township, Kayin (Karen) state. According to the documentation, at least 4781 people have been internally displaced as a result of the operations by a minimum of five army battalions, and at least 19,425 baskets (about 388,000 kilos) of paddy rice have been burned. Most of the affected villagers had already been forced out of their homes in 2000, and had only recently returned and attempted to begin planting again in the belief that an unofficial ceasefire between the government and a local armed group may hold. Most also had only a short warning to evacuate their houses before the troops arrived, and are now surviving in the jungle with little by way of possessions or food. Many were sleeping alongside their ripening crops, and could not return to their homes at all. While the villagers are now living in fear, deep in the jungle and mountains, the army troops are building camps on high ground near the abandoned villages and continue to burn rice barns and homes as well as to eat the livestock the villagers were forced to abandon. They are also laying landmines as a deterrent to villagers seeking to return secretly to collect hidden supplies, or take possessions from houses that have not yet been completely destroyed or looted. The villagers can only cook at night in hidden places, so that army patrols cannot find them. Most are suffering from malnutrition-related illnesses, dysentery, hepatitis, respiratory infections, malaria and cold.

6. As the ALRC has asserted to the Commission consistently over the last six years, the Government of Myanmar pays lip service to the food security of its people, but has scant genuine interest in their basic human needs. It enjoys a relationship with the World Food Programme with regards to the food needs of refugees forcibly repatriated from Bangladesh, and has admitted certain international humanitarian agencies to some areas of the country. However, the capacity of all external and internal agencies to operate continues to be restricted by the extent to which these are perceived to impinge upon the interests of the state, and in particular, those of the armed forces. The right to food – and with it all other fundamental rights – is thereby made a relative rather than absolute right. The ability of the citizen in Myanmar to feed herself is in every instance delimited by the extent to which it corresponds to the interests of the government.

7. Despite its record as a flagrant and gross violator of the entire spectrum of basic human rights, the Government of Myanmar has faced very few international sanctions. Its representatives are aware that when they attend the Commission and other gatherings abroad, they may have to bear some reproach, and suffer a few speeches by exiled political opponents. However, these have had little effect. Meanwhile, they have successfully rendered all but pointless the post of Special Rapporteurs on the situation of human rights in Myanmar. Despite the success of the present Special Rapporteur in obtaining access to the country and its institutions, he too has now been manifestly exhausted by a lack of progress. The Special Rapporteur on the right to food, meanwhile, has taken an interest in conditions in the country, but is unlikely to play any significant role soon. Much the same can be said of mechanisms in other parts of the United Nations system, including the post of Special Representative on Myanmar to the Secretary General.

8. Clearly the need exists for the Commission and other bodies within the United Nations to take a new and more vigorous approach towards Myanmar. However, the ALRC regrettably sees little cause for optimism. The Commission may as well appoint a new Special Rapporteur after the current one vacates the position; it will not do any harm, but in all frankness it is not likely to do much good either. The Special Representative of the Secretary General can continue believing that dialogue may bring about change, rather than recognising that the purpose of dialogue for the Government of Myanmar is to deny change; the results will be the same. The

Security Council had its opportunity to intervene into the situation in the country after the highly-publicised Depayin Massacre last year; short of an atrocity of unprecedented scale it looks unlikely to get involved any time soon. Under the circumstances, it is hard to see from where new intervention into Myanmar is likely to come within the United Nations system; however, the urgency is manifest. For Ko Sein Win in Pyapon Prison, the coastal villagers picking up the pieces of houses and lives and those going hungry in the cold mountains it can't come soon enough.
